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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

Trinidad and Tobago* **

[28 September 2000]

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* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.21), 10 to 12 (E/1986/3/Add.11) and 13 to 15 (E/1988/5/Add.1) submitted by the Government of the Republic of Trinidad and Tobago were considered by the Committee on Economic, Social and Cultural Rights in 1989 (see E/C.12/1989/SR.17-19).

** The Information submitted by Trinidad and Tobago in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.110).

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I. GENERAL INFORMATION

A. The land and the people

1. The Republic of Trinidad and Tobago is comprised of two islands. Trinidad, the larger of the two islands, is the most southerly of the Caribbean islands. It is located seven miles north-east of Venezuela. Trinidad has an area of 4,820 km^2, and Tobago has an area of 303 km^2. Tobago is 32.2 km to the north-east of Trinidad. The capital city is Port of Spain, which is located in Trinidad. The country has a tropical climate with a temperature that varies between 22 and 32 C. A dry season runs from January to April, and a rainy season runs from May to December. Mid-year estimates for 1999 show a 0.7 per cent population growth in Trinidad and Tobago, from 1,281,825 persons in 1998 to 1,290,413 persons in 1999. The provisional (mid-year) birth and death rate is 13.42 and 7.31 persons per thousand respectively. This is consistent with the birth and death rate for 1998. According to information gathered in September of 1999, 45.7 per cent of the population is below 24 years of age, 45.2 per cent of the population is between the ages of 25 and 59 years (also called the "working age group"), and 9.1 per cent of the population is 65 years of age and over. The population consists of 644,174 males and 646,239 females.

2. Trinidad and Tobago is noted for its ethnic and cultural diversity. Based on a 1990 population census, approximately 40.3 per cent of the population is of East Indian descent, 39.6 per cent is of African descent, 0.6 per cent is white, 0.4 per cent is Chinese, 18.4 per cent is mixed, 0.2 per cent is other and 0.4 per cent is not stated. Religious tolerance allows for the active observance of many faiths including Christianity, Hinduism, Islam and Orisa. The official language of Trinidad and Tobago is English.

3. There are three low, heavily forested mountain ranges in Trinidad, which cross the island from east to west. Major agricultural crops grown in Trinidad are sugar cane, cocoa, coffee and citrus fruit.

B. The general political structure

4. Trinidad and Tobago is a sovereign democratic State founded on the rule of law, a principle expressly mentioned in the preamble to the Constitution. Trinidad and Tobago achieved full independence from Britain on 31 August 1962, and became a republic within the Commonwealth in 1976. The people of Trinidad and Tobago expressing their will through their elected representative are sovereign.

5. In 1976, Trinidad and Tobago's independence Constitution was replaced with a republican Constitution. This Constitution declares that it is the supreme law of Trinidad and Tobago and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency. The Constitution is rooted in the separation of powers of the three branches of government namely the executive, the legislature and the judiciary.

6. The executive authority of Trinidad and Tobago is vested in the President and, subject to the Constitution, may be exercised either directly or through officers subordinate to him. All the members of a bicameral Parliament elect the President. In the exercise of his functions under the

Constitution, the President is required to act in accordance with the advice of Cabinet except where otherwise stated by the Constitution. The Prime Minister, who is leader of the majority party in Parliament, is the head of Government. Cabinet consists of the Prime Minister, the Attorney General and other ministers of Government appointed by the Prime Minister from among the members of Parliament. The Constitution vests in Cabinet the general direction and control of the Government of Trinidad and Tobago and makes Cabinet collectively responsible to Parliament. The Cabinet can be removed from office by members of the legislature, on a vote of no confidence.

7. The legislative power of Trinidad and Tobago resides in a bicameral Parliament, which comprises the President, an upper house called the Senate and a lower house called the House of Representatives. The Senate consists of 31 appointed members. Of the 31 senators, 16 are appointed on the advice of the Prime Minister, six are appointed on the advice of the Leader of the Opposition and nine are appointed by the President in his discretion from outstanding persons from economic, social or community organizations and other major fields of endeavour. The House of Representatives consists of 36 members elected by universal adult suffrage every five years, from the 36 different constituencies into which Trinidad and Tobago is divided. Parliament is empowered by section 53 (S.53) of the Constitution to make laws for the peace, order and good government of Trinidad and Tobago. Parliament may alter the Constitution. However, some parts of the Constitution are entrenched and can only be altered by Parliament following the adoption of special procedures with special majorities.

8. In 1888, the island of Tobago merged administratively with Trinidad to form the single colony of Trinidad and Tobago. Of the 36 constituencies into which Trinidad and Tobago is divided, two are in Tobago. Until the formation of the Tobago House of Assembly in 1980, the smaller island's affairs were administered entirely from Port of Spain, Trinidad's capital city. With the passage of the Tobago House of Assembly Act in 1980, the Tobago House of Assembly was established for the purpose of making better provision for the administration of the island of Tobago. The result was that the island acquired a degree of autonomy not previously enjoyed. Under this Act, the Assembly was given responsibility for formulating and implementing policy on all matters referred to it by the Minister and for implementing in Tobago, government policy relating to matters set out in the Act. This 1980 Act has since been repealed and replaced by the Tobago House of Assembly Act No. 40 of 1996. Under the 1996 Act, the Tobago House of Assembly has power to both formulate and implement policy in relation to a wide spectrum of matters set out in the Act. Although Cabinet constitutionally retains general direction and control over the Assembly, in practice the Assembly retains substantial autonomy over Tobago.

9. The Constitution establishes a Supreme Court of Judicature for Trinidad and Tobago consisting of a High Court of Justice and a Court of Appeal. The Chief Justice has overall responsibility for the administration of justice in Trinidad and Tobago, and heads the independent judiciary. The judiciary comprises the higher judiciary (the Supreme Court of Judicature) and the lower judiciary (the magistracy). The Supreme Court is housed in four locations in the country. The magistracy is divided into 13 districts. The magistracy and the High Court exercise original jurisdiction in civil and criminal matters. The magistracy in its petty civil division deals with civil matters and hears preliminary inquiries in indictable matters to determine whether a matter is to be held over for trial in the assizes. The High Court hears indictable criminal matters, family matters and civil matters involving sums over the petty civil

limit. There is a separate Industrial Court and a Tax Appeal Board, which are superior courts of record. Appeals from the magistracy and the High Court lie to the Court of Appeal. The Chief Justice is the President of the Court of Appeal. Appeals from the Court of Appeal lie with the Judicial Committee of the Privy Council in England, sometimes as of right and sometimes with leave of the Court of Appeal. The Privy Council is the highest court of appeal. At present the judiciary, which is headed by the Chief Justice, is comprised of eight Appeal Court judges, 22 High Court judges, and 37 magistrates. There are various provisions in the Constitution designed to secure judicial independence, in particular in relation to the appointment and security of tenure of judges. In all cases dealing with the validity of subsidiary legislation and the constitutionality of Acts of Parliament, the Courts have upheld the principle of the rule of law.

10. The day-to-day work of Government is carried on for the most part by a civil service organized in ministries and departments. The Constitution insulates members of the civil service from political interference being exercised directly upon them by the Government of the day, by vesting in autonomous commissions, to the exclusion of any authority or person, the power to appoint, remove and exercise disciplinary proceedings.

11. The appointment, transfer and dismissal of police officers and members of the Defence Force are also vested in autonomous Service Commissions.

C. The economy

12. Trinidad and Tobago has a buoyant economy with a recorded gross domestic product (GDP) at market prices of TT$ 41,044.90 million in September of 1999. This is a large increase from previous years: 1998 - TT$ 38,197.10, 1996 - TT$ 34,448.10, and in 1994 - TT$ 29,311.70. The per capital income in 1998 was equivalent to US$ 4,261. The domestic inflation rate measured at 5.6 per cent in 1998, but is expected to decline to 3.5 per cent in 1999. The external debt as a percentage of GDP has declined from 26.5 per cent at the end of 1997 to 24.6 per cent at the end of 1998.

13. In April 1993, the Government of Trinidad and Tobago dismantled the regime of exchange controls and introduced a liberal foreign exchange system in which the Trinidad and Tobago dollar was allowed to float. At the end of June 1999, the US/TT dollar exchange rate stood at one US$ = 6.2997 TT (this refers to the weighted average selling exchange rate).

14. The principal sectors of the economy are: (1) oil, gas and petrochemicals; (2) distribution; (3) finance, insurance and real estate; (4) construction; (5) transportation, storage and communications; (6) Government; (7) manufacturing; (8) other services which include hotels, guest houses, education, community services, and personal services; (9) electricity and water; and (10) agriculture. The economy is heavily dependent on the energy and energy-related sectors for most of its export earnings. These sectors comprise the petroleum and petrochemical industries, as well as other heavy industries utilizing natural gas as feedstock, producing methanol, fertilizers, natural gas liquids and iron and steel products. At present there are eight world-scale ammonia plants, four methanol plants, one urea plant, an iron and steel mill, a natural gas processing facility and a recently commissioned liquefied natural gas plant.

15. In terms of each sector's contribution to GDP in 1998, the non-energy sectors comprise agriculture (2 per cent), manufacturing (8.3 per cent), construction (10.3 per cent), distribution (17.1 per cent), electricity and water (2.3 per cent), transport, storage and communication (9.5 per cent), finance, insurance and real estate (11.5 per cent), Government (8.9 per cent), and other services (6.6 per cent).

16. Following recent significant financial and economic reforms, Trinidad and Tobago's economy has been on a positive growth path over the last five years. The economy grew by 3.6 per cent in 1998 and by 0.9 per cent in the first three months of 1999. Consequently, the unemployment rate continued its downward trend, reaching 14.2 per cent in 1998. The major generators of jobs were the construction sector (8,100), services sector (6,500), and the manufacturing sector (4,800). Finally, Trinidad and Tobago has experienced declining inflation, from 8.8 per cent in 1994 to 3.7 per cent in 1997 and 0.9 per cent in 1999. Overall, Trinidad and Tobago has experienced steady economic growth, low inflation, declining unemployment, as well as significant foreign direct investment, thereby allowing the country to prosper.

17. Monthly Income Levels: 1994 - 1998

Income (TT)	1994 $	1995 $	1996 $	1997 $	1998 $
Average income	1 712	1 831	1 895	1 966	2 180
Median income	1 300	1 400	1 500	1 500	1 800

D. The general legal framework within which human rights are protected

18. The general legal framework within which human rights provided by the International Covenant on Economic, Social and Cultural Rights are protected, is through the Constitution, and other legislation which includes: The Public Assistance Act (Chapter 32:03), The Housing Act (Chapter 33:01), The Education Act (Chapter 39:01), The Marriage Act (45:01), Old Age Pension Act (Chapter 32:02), and Trade Unions Act (Chapter 88:02). The judiciary is the authority that has jurisdiction over human rights matters in Trinidad and Tobago. Systems of compensation in regards to human rights violations do exist, and often take the form of monetary compensation.

19. The rights referred to under the International Covenant on Economic, Social and Cultural Rights which are protected in the Constitution or by other legislation include: the equality of men and women before the law in respect to the enjoyment of all human rights; the right to join and form trade unions; the right to social security; the right to the protection of the family; the right to adequate food; the right to adequate housing; the right to the protection of the family; the right to health; the right to education; and the right to culture. Provisions for derogations from the protection of human rights are provided for in S.7 of the Constitution, which provides that derogations can occur only during periods of public emergency that are declared by the President. Section 5 of the Constitution expressly declares that no law may abrogate, abridge or infringe or authorize the abrogation, abridgement or infringement of any fundamental human right recognized and declared in the Constitution, except where expressly provided for, such as:

(a) During period of public emergency; and

(b) Where legislation is declared to be inconsistent with those rights and freedoms and is passed with the prescribed majorities in both houses of Parliament.

20. All individuals within the jurisdiction of Trinidad and Tobago are protected under the Constitution, whether adult or child, citizen, resident or alien. Further, the Constitution expressly declares that fundamental rights exist without discrimination by reason of race, origin, colour, religion or sex.

E. Information and publicity concerning the Covenant

21. The Human Rights Unit of the Ministry of the Attorney General prepared this report. This Unit was formed in July of 1999 and is responsible for the preparation of all reports as part of the treaty obligations of Trinidad and Tobago under the various international human rights agreements to which it is a State party. Other functions of this Unit include:

(a) The preparation of responses on behalf of the State in respect of petitions and communications submitted to the international human rights bodies claiming violations of treaty obligations by Trinidad and Tobago;

(b) The provision of advice on the ratification of those international human rights instruments not yet ratified by Trinidad and Tobago;

(c) The review of reservations entered into by Trinidad and Tobago to international human rights treaties already ratified;

(d) The review of the compatibility of domestic laws in Trinidad and Tobago with obligations under international human rights treaties;

(e) The promotion of a greater awareness of human rights instruments and Trinidad and Tobago's legal obligations under them;

(f) The provision of representation before the supervising committees, namely the Human Rights Committee and the Committee on the Elimination of Racial Discrimination.

Although the Government has not consulted with non-governmental organizations in the preparation of the instant report, it is the intention of the Government to consult with such organizations when preparing future human rights reports for submission to the United Nations.

22. Currently, there is no dissemination of this report. However, upon receiving Cabinet's approval, the Government intends to have this report published and made available, together with a copy of the Covenant, to members of the public. Further, this report will be distributed to members of the legal profession, the judiciary, non-government organizations, as well as corporate entities and relevant organizations.

F. The legal status and specific implementation of the Covenant

23. The rights recognized in the Covenant are largely mirrored in the present Constitution of Trinidad and Tobago. Chapter 1 of the Constitution is entitled, "The recognition and protection of fundamental human rights and freedoms". This Chapter declares that "there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex" the rights and freedoms set out thereunder, including the right of the individual to equality before the law and the right to equality of treatment from any public authority, as well as the right of the individual to respect for his private and family life, and the right of a parent or guardian to choose a school for the education of his or her child or ward.

24. Other rights provided by the Covenant are protected by other legislation such as the 1998 National Minimum Wage Order; the National Insurance Act, Chapter 32:01; the Workmen's Compensation Act, Chapter 88:05; the Trade Unions Act, Chapter 88:02; the Public Assistance Act, Chapter 32:03; the Age of Majority Act, Chapter 46:06; the Maternity Protection Act, No. 4 of 1998; the Housing Act, Chapter 33:01, the Landlord and Tenant Act, No. 19 of 1981; the Public Health Ordinance of 1917; the Regional Health Authorities Act, No. 5 of 1994; the Mental Health Act, Chapter 28:02; the Education Act, Chapter 39:01; and the National Institute of Higher Education (Research, Science and Technology) Act, Chapter 39:58. As is evident, the human rights provided by this Covenant have been made a part of the national legal system of Trinidad and Tobago, which can be invoked before, or directly enforced by the courts, other tribunals or administrative authorities.

G. The role of international cooperation in the implementation of the Covenant

25. The Republic of Trinidad and Tobago does make use of international assistance and cooperation to facilitate the full realization of the rights provided for by this Covenant. For the 1999/2000 fiscal year, international funding for projects, programmes and other initiatives taken to further this realization will amount to 30.6 per cent of the total budget.

II. SPECIFIC PROVISIONS OF THE COVENANT

Article 1

26. The people of Trinidad and Tobago exercised their inalienable right to self-determination through the attainment of political independence from the United Kingdom in 1962. As a sovereign independent State, Trinidad and Tobago since that date has freely chosen its own economic, social and cultural development policies. The right of the people to self-determination is one of the cornerstones upon which the Republic of Trinidad and Tobago is founded.

27. The Government's economic policy is directed to the development of a robust and open market-driven economy. The Government is committed to actively encouraging foreign investment in Trinidad and Tobago. Apart from enacting legislation to remove restrictions on foreign investment and to remove foreign exchange control, the Government has also made a wide range of fiscal incentives available to the foreign investor. These generally take the form of import duty concessions or other tax allowances.

28. With respect to the free disposal of natural wealth and resources, please refer to paragraphs 21 to 29 under article 1 of Trinidad and Tobago's third and fourth periodic report to the Human Rights Committee under the International Covenant on Civil and Political Rights (CCPR/C/TTO/99/3) (hereafter "third report ICCPR").

29. In respect of the promotion of the realization of the right to self-determination, Trinidad and Tobago has been an active member of the United Nations Special Committee on Decolonization (the Special Committee of 24). It has served as Chairman of the Committee and has participated in United Nations visiting missions to territories in the Caribbean and the Pacific.

30. This commitment was also reflected in the participation of a Trinidad and Tobago contingent as part of the CARICOM group of the United Nations Peacekeeping Force sent to Haiti in 1994.

31. For further information in respect of the promotion of the realization of the right to self-determination, please refer to paragraphs 32 and 33 under article 1 of the third Report ICCPR.

Article 2

32. The rights recognized in the Covenant are largely mirrored in the Constitution of Trinidad and Tobago. Chapter 1 of the Constitution is entitled, "The recognition and protection of fundamental human rights and freedoms". This chapter declares that "there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex," the rights and freedoms set out thereunder, including the right of the individual to equality before the law and the right to equality of treatment from any public authority, as well as the right of the individual to respect for his private and family life, and the right of a parent or guardian to choose a school for the education of his or her child or ward. There is however, no specific anti-discrimination provision in the Constitution.

33. Further, there is legislation, aside from the Constitution that prevents certain kinds of discrimination. For instance, there is an anti-discrimination provision within the Education Act, Chapter 39:01 which is an Act to make better provision for the promotion of education in Trinidad and Tobago. Section 7 explicitly states the following:

> "No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such a person or of his parent."

34. For further information in respect of equal protection of rights in the Covenant, please refer to paragraphs 35 to 49 under article 2 of the third report ICCPR.

35. For further information in respect of measures taken for the elimination of discrimination, please refer to paragraphs 249 and 251 under article 20, and paragraphs 287 to 293 under article 26 of the third report ICCPR.

36. The Republic of Trinidad and Tobago does make use of international assistance and cooperation to facilitate the full realization of these rights. For the 1999/2000 fiscal year, international funding for projects, programmes and other initiatives taken to further this realization will amount to 30.6 per cent of the total budget.

Sources of financing	TTS million	%
Central Government Programme	1 552.485	99.043
External Sources	479.397	30.584
Loans	435.044	27.754
Inter-American Development Bank	282.753	18.039
International Bank for Reconstruction and Development	103.641	6.612
Caribbean Development Bank	48.65	3.104
European Investment Bank	0.000	0.000
Grants	44.353	2.830
Inter-American Development Bank	3.928	0.251
International Bank for Reconstruction and Development	3.090	0.197
European Community	35.095	2.239
Other external financing agencies	2.240	0.143
Domestic sources	1 073.088	68.459
Loans	131.890	8.400
Republic Finance and Merchant Bank	131.890	8.400
General Revenue	916.198	58.450
Government of Trinidad and Tobago	916.198	58.450
Roads Fund	25.000	1.595
Government of Trinidad and Tobago	25.000	1.595
State enterprises programme	15.000	0.957
Domestic sources	15.000	0.957
General Revenues	15.000	0.957
Government of Trinidad and Tobago	15.000	0.957
Grand total	1 567.485	100.000

37. In addition in the 1999/2000 fiscal year, the World Bank will provide TTS 103.6 million in loans. These resources will be used to finance activities geared towards enhancing the quality of and access to primary education under the Fourth Basic Education Programme, for the strengthening of the operations of the Environmental Management Authority, for supporting reform efforts in the Postal and Judicial sectors, and for the implementation of the National Parks and Watershed Management Programme.

Article 3

38. The equal rights of men and women are guaranteed under the Constitution. The fundamental human rights and freedoms set out in Chapter 1, Part 1, of the Constitution are recognized and declared without distinction by reason of, inter alia, sex.

39. In 1985, the Republic of Trinidad and Tobago signed the Convention on the Elimination of All Forms of Discrimination against Women. It ratified this Convention on 12 January 1990.

40. There is a Trinidad and Tobago Federation of Women's Institutes (Incorporation) Act, No. 37 of 1977. This Act seeks to incorporate the Federation, which aims to:

> "(a) improve and develop conditions of home and community life by encouraging the formation of Women's Institutes;
>
> (b) foster interest in and to ensure educational, cultural and civic development among women in Trinidad and Tobago;
>
> (c) provide centres for social activities;
>
> (d) develop co-operative enterprise; and
>
> (e) do everything possible both by study and action to further friendship and mutual understanding among women of all nations."

This organization works with the country's Ministry of Social Development, mainly to improve the quality of life for women and their families. This organization is a member of the Associated Country Women of the World (ACWW), which is a network of non-governmental organizations with a presence in 64 countries. The services provided include training programmes for women to enable them to work in non-traditional occupational roles, as well as enabling them to work towards and within different aspects of social and community development.

41. Based on the high incidence of domestic violence in Trinidad and Tobago, new domestic violence legislation has been drafted to replace the 1991 Domestic Violence Act, and to introduce comprehensive domestic violence legislation on par with international standards. The new legislation was recently passed by Parliament in the form of a Domestic Violence Act No. 27 of 1999. Section 22 of this new Act provides that where a Magistrate is satisfied, by information on oath that

> "(a) there are reasonable grounds to suspect that a person on premises has suffered or is in imminent danger of physical injury at the hands of another person in a situation amounting to domestic violence and needs assistance to deal with or prevent the injury; and
>
> (b) a police officer has been refused permission to enter the premises for the purpose of giving assistance to the first mentioned person in paragraph (a),"

the Magistrate may issue a warrant in writing authorizing a police officer to enter the premises specified in the warrant at any time within 24 hours after the issue of the warrant and, subject to any conditions specified in the warrant, to take such action as is necessary to prevent the commission or repetition of the offence or a breach of the peace or to protect life or property. Section 23 of the Act provides that a police officer may exercise his power to enter premises and

arrest without a warrant where he has reasonable cause to believe that a person is engaging in, or attempting to engage in, conduct which amounts to physical violence and failure to act immediately may result in serious physical injury or death. However, where a police officer exercises a power of entry under this section he is required to immediately submit a written report to the Commissioner of Police, through the head of the division where the incident occurred.

42. For further information regarding the equality of rights for both men and women, please refer to paragraphs 53 to 64 under article 3 of the third report ICCPR.

Article 4

43. The Constitution, in Chapter 1, Part III, S.8, provides that the President "may from time to time make a proclamation declaring that a state of public emergency exists". A proclamation shall not be effective unless it contains a declaration that the President is satisfied that a public emergency has arisen as a result of either the imminence of a state of war between Trinidad and Tobago and a foreign State; any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity, or that action has been taken or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger public safety or to deprive the community or any substantial portion of the community, of supplies or services essential to life.

44. Where any person is unlawfully detained by virtue of an Act or regulations passed during a period of emergency, he or she may request at any time during his or her detention that his or her case be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice.

45. For further information regarding circumstances under which the State may subject the rights contained in the International Covenant on Economic, Social and Cultural Rights to limitations, please make reference to paragraphs 66 to 75 of the third report ICCPR.

Article 5

46. Section 5 of the Constitution expressly declares that no law may abrogate, abridge or infringe or authorize the abrogation, abridgement or infringement of any of the fundamental human rights and freedoms recognized and declared in the Constitution except where expressly provided for, such as:

(a) During periods of public emergency; or

(b) When legislation is expressly declared to be inconsistent with those rights and freedoms and is passed in accordance with S.13 of the Constitution, with the prescribed majorities in both houses of Parliament.

47. With respect to paragraph 43 (b) above, S.13 of the Constitution provides that an Act may expressly declare that it shall have effect even though inconsistent with S.4 and S.5 of the Constitution (the fundamental human rights and freedoms sections). Before such legislation can

be enacted into law, it must be approved by three fifths of the members of each house of Parliament. However, even if such an Act is passed with the required parliamentary majority, it is still open to challenge in the High Court, on the ground that it is not reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual, or that it is not reasonably justifiable for the purpose of dealing with the situation that exists during a period of public emergency. In a situation in which an Act is challenged on this basis, the High Court has the power to declare that Act to be unconstitutional and of no effect from the date of its enactment.

48. The courts are the guardians of the Constitution and upon a successful challenge being made to any Act of Parliament, the courts have the power to declare null and void any Act which contravenes the fundamental human rights and freedoms provisions of the Constitution.

49. Section 2 of the Constitution declares that it is the supreme law and any other law that is inconsistent with the Constitution is void to the extent of the inconsistency.

50. Parliament can amend the Constitution only if the constitutional prescriptions are observed. Section 54 provides that provisions of the Constitution relating to the fundamental rights and freedoms of individuals may not be altered unless the amendment is supported by the votes of no less than two thirds of all the members of each House of Parliament.

51. In Trinidad and Tobago, international law provisions are not automatically incorporated in and do not have direct effect on the domestic law unless expressly transformed by an Act of Parliament. The Government of Trinidad and Tobago is currently reviewing all treaties and conventions entered into, to ensure that international obligations are being given effect in domestic law and, where necessary, appropriate legislation is being implemented by various ministries.

Article 6

52. The changing fortunes in the economy of Trinidad and Tobago from the 1970s to the 1990s were reflected in the levels of employment in the country. During the period October 1998 to March 1999, the number of persons in the labour force averaged 562,600. This was an increase of persons in the labour force of 3.4 per cent over the corresponding 1997/1998 period. Employment grew by 2.8 per cent or 13,000 jobs to 480,600 persons over the first six months of the current fiscal year (October 1998 to March 1999), as opposed to 467,600 persons during the corresponding 1997/1998 period. Further, so far in the current fiscal year, males have accounted for 63.9 per cent or 307,300 persons of the total number of persons employed, whereas the number of females employed totalled 35.1 per cent or 173,300 persons. The unemployment rate for the last quarter of 1998 (June to September), which was 15.1 per cent, fell to 14.1 per cent during the first quarter of 1999. The unemployment rate for males continued its shift downwards to 11.6 per cent, while that for females shifted upwards to 19.5 per cent. The highest rates of unemployment for both males and females continue to be among the 15 to 19 age group. The rate of unemployment, which was 14.8 per cent in 1975, increased to 22.3 per cent in 1987, and has fallen to 11.7 per cent in 1999. What is evident is that the Government's macroeconomic policies affect economic growth and the development of the country, as well as the employment levels. However, the State can no longer be depended

upon to be the largest employer of the country's labour force. In this regard, new options are being explored for the regeneration of a type of growth that maximizes the utilisation of the labour force. The Ministry of Labour and Cooperatives in adhering to its mission has undertaken initiatives to reduce unemployment and provide persons with the tools required for effective entry into the labour force. The Ministry is focused on deriving and implementing policies and techniques which will result in steady economic development and full, productive employment. The Ministry's work in this area can be categorized as follows:

- The National Employment Service
- The National Human Resource Management Information System
- Management of Labour Relations.

53. The National Employment Service (NES) falls under the purview of the Ministry of Labour and Cooperatives, and consists of Employment Exchanges, the Registration Centre and the Farm Programme Unit. The NES offers a free service to employers and members of the community. Its mission is:

> "To facilitate the employment process and the optimum utilization of the country's workforce by the recruitment, counselling, selection and placement of workers for every variety of public and other works."

54. Presently, the Ministry of Labour and Cooperatives is in the process of re-engineering its Manpower Division (under which the NES operates) into a quality organization in terms of its structure, staffing, physical facilities and operations, in order to effectively meet the challenges of the twenty-first century. Prerequisites expected to be put into place to ensure quality in the services offered by the NES include:

- The implementation of the required legislative framework
- The improvements to the physical infrastructure
- The training of staff
- The development of standards of operations
- The appropriate access to job vacancies
- A well-designed public relations programme.

In this regard, the main function of Employment Exchanges would be centred on placement, canvassing employers and advisory services for enterprises, locally and abroad, vocational information and guidance, vocational training and statistical information.

55. The Ministry of Labour and Cooperatives is also planning to stage job fairs to be held in three regional areas throughout Trinidad and Tobago. These are aimed at encouraging

registration of both employers and employees on jobs and skills. This is expected to achieve increased placement of applicants, as well as increased advice on the retraining programme of government employers and employees.

56. The Ministry of Labour and Cooperatives is also undertaking to expand the existing Farm Programme to include more countries where local labour can be exported.

57. The Ministry of Labour and Cooperatives is cognisant of the fact that the availability of an adequate number of workers with the skills required to compete in the global economy is necessary for the success and sustainability of investment and, by extension, the economy. In this regard, a programme for identifying the magnitude of occupational demand and supply is an essential prerequisite for Trinidad and Tobago. The National Human Resource Management Information System (NHRMIS) has recently been established by the Ministry (in October 1999), and provides a vehicle through which the country can create and maintain a position of labour market equilibrium through optimal human resource development and utilization. The NHRMIS is a comprehensive information tool that produces and disseminates up-to-date information to users on a timely and continuous basis. This system collects, analyses and disseminates labour market information to various targeted users.

58. The NHRMIS system is also highly beneficial to the Ministry of Labour and Cooperatives, where it acts as an information warehouse. This impacts positively on the enhancement of the performance and conduct of the Ministry's operations, as well as its clientele. Specifically, this system will have a direct impact on the Ministry's employment services function. The Manpower Division is actively involved in personnel placement, in the determination of employer needs and the supply source of labour. The NHRMIS system provides the Manpower Officers with useful, timely data which allows them to be more pro-active and more responsive in the placement of personnel. It will also assist in directing policy with respect to retraining and training needs.

59. The NHRMIS system is also critical in the area of manpower planning. The concept of manpower planning has come to the forefront as a core competency that the Ministry can utilize to fulfil its commitments to its stakeholders. Its objective is to contribute to the development of human resources in order to increase the nation's competitiveness and quality of life by promoting a flexible and efficient workforce. The system has the data content required for forecasting and projecting employment, job vacancies, productivity and GDP trends. The NHRMIS provides the technological data platform, which allows for the development of a manpower planning system.

60. A core function of the Conciliation Division of the Ministry of Labour and Cooperatives is to provide conciliatory services that will facilitate the maintenance of a stable industrial relations climate. The main objective is to enhance relations between workers and employers so as to create a favourable climate for foreign direct investment, which is expected to have a positive impact on the growth and stability of the economy.

61. Other currently existing vocational guidance and training programmes include the Youth Training and Employment Partnership Programme (YTEPP) and the Metal Industries Company (MIC) - Training and Development Programme. The YTEPP consists of three basic

components. The Vocational Skills Training component is designed to give youths between the ages of 15 and 25 skills for employment, including self-employment. YTEPP offers a wide range of training courses in production and service areas. Those who complete training, achieve competencies equivalent to pre-craft and craft level in Trinidad and Tobago. The Career Enhancement Training component addresses the trainee's attitudes to work, confidence-building and self-esteem, and, where necessary, remedial education in literacy and mathematics. Finally, the Post Training Assistance component provides technical support in project development, marketing and business management to those programme graduates who are interested in starting their own businesses, as well as providing work experience for others. The Programme trains approximately 10,000 young persons per year, in 14 occupational areas, at schools and community facilities throughout Trinidad and Tobago.

62. The Metal Industries Company (MIC) - Training and Development Programme was implemented in response to modern demands for technological training by providing practical experience, hands-on activities involving machines and tools, and competency-building courses in respect of relevant knowledge, skills, attitudes and habits. The training offered through this programme also focuses on the prevention of defective work, and the importance of high quality production. Since its inception, the MIC programme has provided a wide range of technological training to fulfil its aim to develop a new class of engineers, managers, technicians and craftsmen, with entrepreneurship capabilities for producing new products and production lines.

63. The objectives of the Ministry of Training and Distance Learning are to serve as a repository of information and experience about youth training and to design training policies and programmes intent on enhancing productivity in socio-economic development and nation building endeavours. The Ministry is therefore responsible for the improvement of the national human resource base through the National Distance Learning and Training Programme. Recent initiatives being undertaken in this regard include the establishment of the Community Based Distance Learning and Training Centres and the Electronic Media Production Centre, which is equipped with the required technology to deliver courses to the population. The National Training Agency will also institute a new national framework of competence-based qualifications. This will ensure that the training system becomes more responsive to changing labour market conditions, in addition to developing the occupational standards and vocational qualifications for key sectors of the economy.

64. Occupations by ethnic group and gender: 1998

Occupations	African			Chinese			Indian		
	F	M	Total	F	M	Total	F	M	Total
Defence Force	-	2 025	2 025	-	-	-	-	205	205
Legislators, senior officials and managers	6 387	6 025	12 412	335	1 130	1 465	7 048	9 394	16 442
Professionals	2 877	4 287	7 164	34	34	68	2 553	4 996	7 549
Technical and associate professionals	19 006	12 604	31 610	301	19	320	12 003	11 021	23 024
Clerks	27 662	7 316	34 978	167	102	269	23 195	7 798	30 993
Service workers and shop sales workers	31 107	21 600	52 707	202	311	513	22 653	12 101	34 754
Agricultural, forestry and fishery workers	999	4 129	5 128	-	34	34	1 975	9 923	11 898
Craft and related workers	10 259	48 254	58 513	34	103	137	5 070	35 258	40 328

Occupations	African			Chinese			Indian		
	F	M	Total	F	M	Total	F	M	Total
Plant and machine operators and assemblers	4 984	18 819	23 803	33	-	33	4 784	26 536	31 320
Elementary occupations	53 259	47 409	100 668	-	35	35	30 346	55 656	86 002
Total	156 540	172 468	329 008	1 106	1 768	2 874	109 627	172 888	282 515

Occupations	Syrian/Lebanese			White/Caucasian			Other ethnic group		
	F	M	Total	F	M	Total	F	M	Total
Defence Force	-	-	-	-	-	-	-	308	308
Legislators, senior officials and managers	33	138	171	361	1 318	1 679	2 710	4 034	6 744
Professionals	66	-	66	33	513	546	1 577	1 748	3 325
Technical and associate professionals	33	68	101	402	229	631	6 971	5 801	12 772
Clerks	34	-	34	636	34	670	13 604	3 566	17 170
Service workers and shop sales workers	34	35	69	168	104	272	12 681	7 640	20 321
Agricultural, forestry and fishery workers	-	-	-	21	34	55	568	2 864	3 432
Craft and related workers	-	34	34	34	103	137	2 674	12 618	15 292
Plant and machine operators and assemblers	-	35	35	-	104	104	1 607	6 554	8 161
Elementary occupations	-	34	34	-	240	240	10 444	15 161	25 605
Total	200	344	544	1 655	2 679	4 334	52 836	60 294	113 130

Please note with respect to the statistics provided above that 33 females in the "Defence Force", 67 females in the "Clerks" occupation, 34 females in the "Service workers and shop sales workers" category, 35 males in the "Craft and related workers" category, and 34 males in the "Elementary occupations" category either did not specify their ethnic background, or this information was not available.

65. No cases have been reported to the Ministry of Labour and Cooperatives with respect to discrimination on the basis of race, colour, sex, religion and national origin. To the knowledge of this Ministry, there have been no cases where discrimination on the basis of these characteristics is not considered discrimination.

66. Unemployment rates by administrative area: 1994-1998

Administrative area	1994 %	1995 %	1996 %	1997 %	1998 %
Port of Spain	18.6	17.2	16.7	13.6	14.7
San Fernando	16.5	14.9	10.2	13.2	9.4
Arima Borough	12.7	15.7	17.1	15.2	17.2
St. George - Diego Martin	11.1	9.1	12.1	10.1	8.7
St. George - St. Ann's	26.8	24.9	18.7	19.4	18.5
St. George - Tacarigua	17.2	17.0	19.8	17.8	15.0
Rest of St. George	23.4	19.5	17.9	14.9	18.0
Chaguanas Borough	15.4	10.9	12.7	12.5	11.4
Caroni	15.9	14.3	14.4	13.2	12.7
Nariva/Mayaro	14.2	17.3	15.3	15.8	16.1
St. Andrews/St. David	24.9	12.0	12.4	13.7	13.3
Victoria	15.9	16.8	15.5	13.9	13.6

Administrative area	1994 %	1995 %	1996 %	1997 %	1998 %
Point Fortin Borough	26.8	29.7	27.8	28.2	24.1
St. Patrick	22.8	24.3	21.9	18.1	18.2
Tobago	17.2	14.0	11.1	10.0	7.7
Total	18.5	17.1	16.2	15.0	14.2

Unemployment rates by ethnicity: 1994-1998

Ethnic Group	1994 %	1995 %	1996 %	1997 %	1998 %
African	22.4	20.2	18.8	17.6	16.0
Chinese	5.0	3.0	1.4	0.0	1.5
Indian	14.9	14.5	14.0	12.7	12.1
Mixed	18.1	17.5	15.7	15.1	15.3
Syrian/Lebanese	0.0	5.3	5.0	10.9	7.5
White/Caucasian	6.1	4.7	2.6	1.0	4.6
Other ethnic group	12.5	33.4	0.0	0.0	0.0
Not stated	36.7	0.0	18.3	0.0	50.0
Total	18.5	17.1	16.2	15.0	14.2

Unemployment rates by gender: 1994-1998

Gender	1994 %	1995 %	1996 %	1997 %	1998 %
Male	16.4	15.1	13.1	12.3	11.3
Female	21.8	20.6	21.0	19.4	18.9
Total	18.5	17.1	16.2	15.0	14.2

Youth unemployment rates: 1994-1998

Age Group	1994 %	1995 %	1996 %	1997 %	1998 %
15-19	37.7	37.3	34.2	33.3	35.7
20-24	29.6	27.9	25.6	24.4	22.5
Total	18.5	17.1	16.2	15.0	14.2

Individuals working less than 33 hours as a result of not being able to find work: 1994-1998

Hours worked	1994	1995	1996	1997	1998
Under 1 hour	89	172	35	68	136
1-8 hours	4 104	1 936	2 602	1 835	2 285
9-16 hours	5 946	5 590	5 890	4 540	5 285
17-24 hours	10 850	10 098	10 314	11 463	10 874
25-32	13 140	11 876	12 415	11 820	11 964
Total	34 129	29 672	31 256	29 726	30 544

67. The statistics above allow for the following inferences:

(a) Unemployment rates have decreased over the period 1994-1998;

(b) Females represent a higher proportion of the unemployed than males;

(c) Unemployment rates among youths account for a relatively large proportion of the total unemployment in the labour force;

(d) Underemployment trends have remained relatively stable over the period 1994-1998;

(e) Women and youths represent the most vulnerable groups in the population regarding unemployment.

68. The Ministry of Labour and Cooperatives is proactive with regard to the implementation of policies and measures to assist in the alleviation of unemployment in the country by providing means whereby persons seeking work can utilize the services of the National Employment Service to secure placement. The Farm Programme component of this service is critical in that it allows for the export of local labour. The NHRMIS is also critical in this area. It provides the opportunity for manpower planning so as to achieve optimal utilization of the country's human resources. One of the main goals of manpower planning is to forecast future workforce needs, thus enabling educational institutions, in terms of their respective curricula, to cater for the requirements of the labour market, and ensure that persons acquire the relevant qualifications to be able to fulfil the future needs of employers.

69. At present, there is no specific measure or legislation to ensure that work is productive. However, the employer-employee relationship is guided by a basic principle in common law which provides that there is an implied term in the employment contract which states that the employee is obligated to perform and produce. Otherwise, the employee would provide the employer with cause for dismissal.

70. The Government of Trinidad and Tobago has recognized that its greatest investment for the future lies in the area of human resources. As a result, the Government is providing persons with opportunities for successful and productive lives in the new millennium through the implementation of the Community Based Distance Centre Project of the Ministry of Training and Distance Learning. Through this project, persons in the community can access academic, craft, technical and enrichment courses made available through various local, regional and international institutions to be studied at the convenience of individuals. The facilities for accessing these courses are made available through a Community Based Distance Learning Centre. Upon completion, participants will receive certification commensurate with the course of study pursued. The Centre is located in the community where residents can access teaching assistance for courses of their choice via television, radio, audio or videocassettes, including the Internet. Learning Centres allow for ready access and flexible scheduling for all members of the community wishing to participate in any distance-learning programme. The Centre will be

linked with the Distance Learning Secretariat, which is the operational arm of the Ministry of Training and Distance Learning. The Secretariat is responsible for ensuring opportunities for skill acquisition and upgrading in Trinidad and Tobago.

71. There is no specific clause in Trinidad and Tobago's legislation that guarantees the freedom of choice of employment. However, traditionally, workers in Trinidad and Tobago have and continue to experience the freedom of career choice provided that specified qualification requirements are satisfied.

72. There are no specific provisions in the existing law which ensure that conditions of employment do not infringe upon the fundamental political and economic freedoms of the individual. However the Constitution in S.4 guarantees the right of the individual inter alia to:

> "(a) join political parties and to express political views; and
>
> (b) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law."

Further, S.14 of the Constitution provides that if any person alleges that any of the provisions of the Constitution is or has been contravened in relation to him, that person may apply to the High Court for redress.

73. Difficulties that are encountered while trying to attain the objectives of full, productive and freely chosen employment are related to the global changes resulting from increases in technology. The Government of the Republic of Trinidad and Tobago must be adaptable and responsive to such changes. This, by extension, involves the Ministry of Labour and Cooperatives, which must adjust to these changes while endeavouring to attain objectives regarding full, productive and freely chosen employment. Critical to these objectives is the Manpower and Exchange Programme of the Ministry. Given technological advancement, the new and expanding job market calls for workers with specific knowledge in information technology. It is, however, becoming increasingly difficult to place applicants since there is a general lack of awareness of what the job market entails. In other words, most job vacancies are open to those applicants who are technologically inclined or possess knowledge in the specific area. As a result, it is becoming more difficult to place applicants who, for instance, are without basic computer literacy skills. In this regard, the strategic thrust of the Ministry requires that managers and decision makers use foresight to consider the environmental changes which impact the objectives of full, productive and freely chosen employment. Quite often, government investment policies encourage foreign direct investment through invitation of multinational corporations. The problem is that such international corporations may not always adhere to legal practices such as minimum wages. In this regard, the enhancement of existing law enforcement systems and processes through the development of a comprehensive system of new institutional mechanisms for inspection, prevention and enforcement are employed. The Ministry's thrust also includes offering all job seekers, including the disadvantaged, a comprehensive employment service to include help and advice in finding suitable work or training. To overcome the difficulties of the lack of experience and awareness of the job market, the Ministry has trained all

Manpower Officers to couns l job seekers. Accordingly, "World of Work" seminars are frequently held for all applicants, which entail interview techniques, résumé writing and dress code.

74. The regulations which guide the operations of the Public Sector include the Public Service Regulations, the Civil Service Regulations, and the Police Service Regulations. Evidence of discrimination has been identified with respect to certain provisions in these regulations. Accordingly, a comprehensive review of these regulations is being undertaken by the Government to ensure that these regulations meet international standards of equality of opportunity with respect to the treatment of employees. One significant initiative taken by the Government in this regard is the introduction of equal opportunity legislation in the form of an Equal Opportunity Bill (1999). This bill must be approved by Parliament. The bill seeks, inter alia, to prohibit discrimination in relation to employment, education, and the provision of goods and services. It also seeks to promote equality of opportunity between persons of different sex, colour, race, origin, religion and marital status. This bill would have jurisdiction over all employer-employee relations, and not just those within the public sector. The bill provides for the establishment of an Equal Opportunity Commission to, inter alia, receive, investigate and, as far as possible, conciliate allegations of discrimination. The bill also seeks to establish an Equal Opportunity Tribunal to act as a superior court of record with power to hear and determine complaints referred to it by the Commission and to make such declarations, orders and awards as it thinks fit. In addition, the bill provides for the appeal from a decision of the Tribunal to the Court of Appeal on a point of law, and with leave on a point of fact.

75. The statistics represented below demonstrate that there are people in Trinidad and Tobago who hold more than one full-time job. However, this trend concerns a relatively small percentage of the total labour force, and has remained at a relatively stable proportion over time. Unfortunately, the statistics do not reveal any specific characteristics for the population that this trend represents.

Number of Jobs	Year				
	1994	1995	1996	1997	1998
2 jobs	6 574	6 231	5 489	6 739	7 055
3 jobs	-	-	-	103	35

76. The general strategy adopted by the Ministry of Labour and Cooperatives to improve the employment situation has many components. The points of focus have involved the following issues:

(a) Creating and maintaining a stable industrial relations climate;

(b) Facilitating trade union activity;

(c) Improving conditions of work and workers' rights and benefits;

(d) Promoting the use of the tripartite process to address critical labour issues;

(e) Ensuring adherence to international labour standards;

(f) Enhancing employment options and opportunities for workers.

77. The Conciliation Division of the Ministry of Labour and Cooperatives provides conciliatory services, which promote the stability of the industrial relations climate. The Division's functions are indirectly supported by the Industrial Court which has the powers and jurisdiction to hear and determine trade disputes; register collective agreements and hear and determine matters relating to the registration of such agreements; and to hear and determine proceedings for industrial relations offences under the Industrial Relations Act, Chapter 88:01, 1972. Both institutions facilitate conduct of good employer-employee relations and consequently promote steady economic development. It is to be noted as well, that an Industrial Relations Reform Committee has been working on the review of the Industrial Relations Act, Chapter 88:01 and related legislation.

78. The Ministry of Labour and Cooperatives has been engaged in a comprehensive labour legislation reform programme to ensure that at least the minimum standards of rights are guaranteed for workers. The reform programme has encompassed both individual and collective law. One of these legislative works includes the Occupational Safety and Health Bill (1999), which must be debated in Parliament.

79. In 1996, Trinidad and Tobago ratified International Labour Convention No. 144 concerning Tripartite Consultations to Promote the Implementation of International Labour Standards. In this connection, the 144 Tripartite Committee was established to facilitate the comprehensive review of all non-ratified conventions and to recommend ratification where applicable. So far, the Committee has recommended the ratification of, among others, the Equal Remuneration for Men and Women Workers For Work of Equal Value Convention (No. 100), the Minimum Standards in Merchant Ships Convention (No. 147), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159). The use of this tripartite process has served to ensure the full participation of all relevant stakeholders in the labour relations forum within Trinidad and Tobago. Furthermore, it has been a key strategy for the development of a well-articulated legislative environment, which works to ensure that the conditions of the workplace are in keeping with international and regional standards. In addition, the tripartite process is being successfully used to fulfil the mandate of the Standing Tripartite Committee on Labour Matters.

80. The Ministry of Labour and Cooperatives has an established National Employment Service, which offers assistance to the public with respect to job placement. These services are offered at Employment Exchange Offices, which are strategically located throughout Trinidad and Tobago. At present, the Ministry has been developing initiatives in the area of manpower planning which would serve to prepare employees to participate fully in the labour market.

81. In relation to the freedom of movement of workers, non-nationals who wish to work in Trinidad and Tobago require work permits and work permit exemptions. According to an amendment to the Immigration Act, a non-national can work in this country for one month out of 12 months without having to obtain a work permit. Currently, non-nationals who are graduates of the University of the West Indies are expected to procure work permits approved by

the Government of Trinidad and Tobago. However, Trinidad and Tobago has participated in discussions at the level of the CARICOM Standing Committee of Ministers of Labour Conferences on the issue of free movement of university graduates and other professional, skilled persons and occupations.

Article 7

82. In Trinidad and Tobago, a system of minimum wages is set out and regulated by the Minimum Wages Act, Chapter 88:04, which was enacted in 1976. According to S.3 (1) of this Act:

> "The Minister may by Order (hereinafter called a 'Minimum Wage Order') fix minimum wages and terms and conditions of service for any class of workers generally or for any class of workers in a particular industry or undertaking or where satisfied that it is necessary to do so fix a national minimum wage applicable to workers generally."

83. Prior to 1998, sectoral minimum wages were prescribed by specific Minimum Wage Orders made under the Section identified above. These Orders detailed terms and conditions of service (including vacation leave, sick leave, and maternity leave), and minimum remuneration at weekly and hourly rates for both full-time and part-time employees respectively. The five existing Minimum Wage Orders are:

1991 Wages (Catering Industry) Order
1991 Minimum Wages (Shop Assistants) Order
1991 Minimum Wages (Household Assistant's) Order
1994 Minimum Wages (Petrol Filling Station Employees) Order
1995 Minimum Wages (Security Industry Employees) Order.

84. The Minimum Wages Act, Chapter 88:04, also established the Minimum Wages Board, which is responsible for advising and making recommendations "to the Minister on all matters relating to the fixing of minimum wages and terms and conditions of service" (S.6). When making these recommendations, the Board is required to consider the following:

> "(a) The general level of wages in Trinidad and Tobago.
>
> (b) The cost of living.
>
> (c) Contributions payable and benefits provided under the system of national insurance established by the National Insurance Act.
>
> (d) Other economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining high levels of employment (S.14)."

85. Under the Minimum Wages Act, Chapter 88:04, the establishment of a minimum wage takes place in a number of stages. These include the following:

(a) The Minister determines whether "it is necessary to fix or vary a minimum wage or terms and conditions of service for any workers" (S.11);

(b) If no machinery or inadequate machinery "for the effective regulation of the remuneration or terms and conditions of service" exists, the matter is referred to the Board (S.11);

(c) The Board shall make recommendations for improving the efficiency of the machinery, if it is determined that it is inadequate;

(d) If the Board determines that "the Minister should fix a minimum wage, or other terms and conditions of service", then it must recommend a minimum wage, terms regarding holiday pay and sick leave, and other basic conditions as may be required (S.13);

(e) The Minister makes the final decision whether to accept or reject the Board's recommendations. At this time, he may propose to make an Order;

(f) Persons wishing to object to the making of the Order may do so to the Minister at that time;

(g) All objections are then forwarded to the Board, who forward their comments on the objections and may submit additions, amendments or modifications to the draft Order;

(h) The Minister may then draw up a Minimum Wage Order, under which an employer may not pay a worker less than the wage prescribed by that Order.

86. Section 21 of the Minimum Wages Act, Chapter 88:04, also empowers the Minister to authorize officers to have powers of inspection to ensure compliance with this Act.

87. In 1998, a National Minimum Wage Order was introduced. It provided for the establishment of a single economy-wide minimum wage that would cover all workers in Trinidad and Tobago. The National Minimum Wage Order set a minimum wage rate at TT$ 7.00 per hour, and minimum terms and conditions of service for all employees in Trinidad and Tobago. These terms and conditions concern, inter alia, the length of the normal working day (not to exceed eight hours), meal breaks (not to be less than three quarters of one hour), and overtime rates which are provided in the Second Schedule to the Order. Under S.5, overtime is defined as the time worked in excess of the eight hours, specified as the normal working day, as well as work on off days, Sundays and public holidays. The draft Order was subsequently reviewed and was enacted in 1999. Part II, S.6 of the National Minimum Wage Order, 1999 provides that the national minimum wage and provisions relating to overtime in this Order shall be applicable to household assistants, shop assistants and security industry employees. The other terms and conditions established in already existing relevant Orders shall continue to be enforced.

88. All unskilled workers in Trinidad and Tobago are covered by the National Minimum Wage Order, 1998. However, S.8 of the Order details those persons to whom the Order does not apply:

(a) Trainees in training schools approved by appropriate Government Agencies such as:

(i) Youth Training and Employment Partnership Programme (YTEPP); or

(ii) The National Energy Skills Centre;

(b) Persons working under schemes developed from time to time by other government ministries, departments or agencies;

(c) Persons working under other schemes submitted to and approved by the Minister to whom responsibility for labour is assigned;

(d) Registered apprentices;

(e) Students on vacation jobs; and

(f) Persons who volunteer services to registered charitable organizations and social service agencies registered with the Ministry with the responsibility for social services or community development.

89. The National Minimum Wage Order has been in existence only since 1999. The Minimum Wage Board, up to the time of reporting, has not performed any study that would measure any degree of erosion of the National Minimum Wage. However, the question of evaluating the impact of the National Minimum Wage has received some attention, though no definitive action has yet been taken in this regard.

90. The procedure adopted in determining the most recent National Minimum Wage illustrates the criteria used when reconciling the needs of workers with the other economic factors which must be considered. In this case, a special tripartite committee was convened to review the recommendation of the World Bank for the establishment of a single economy-wide minimum wage equivalent to the market wage for unskilled labour, and to make recommendations for a new minimum wage. In fulfilling this mandate, the Committee considered the following:

(a) The current market wage for unskilled labour;

(b) The minimum wage level for household assistants;

(c) The current unemployment rate;

(d) The medium-term policy goal of creating and maintaining a high level of employment;

(e) Varying levels of productivity among workers;

(f) The need to maintain competitiveness in the prices of domestically produced goods and services; and

(g) The need to contain inflation.

When considering the above factors, the Committee reviewed statistical data. Some of the statistical data considered included: the average hourly minimum wage rates for unskilled workers by industry group and type of worker; the average hourly minimum wage rates of unskilled workers by economic activity; and the average hourly wage rates of unskilled workers by selected economic activity. Once this exercise was complete, a draft Order was published, comments solicited and relevant amendments were then made before the introduction of the first National Minimum Wage Order, 1998.

91. Occupations by monthly income distribution in TT dollars:

Public sector (1998)

Occupations	Total Employed	$1000-$1499	$1590-$1999	$2000-$2999	$3000-$3999	$4000-$4999	$5000 and over
Professionals	34 767	330	752	4496	10 121	9 533	8 816
Office and service clerks	34 397	1 868	2 902	16 156	9 644	2 755	1 072
Sales and service	10 788	1 973	4 066	4 209	369	137	34
Drivers and machine and industrial plant operators	7 291	317	902	3 087	1 436	717	832
Trades workers	10 727	341	1 298	4 933	2 020	1 012	1 123
Agricultural, fishery and related labourers	5 511	820	2 857	1 663	137	-	34
Mining, transport, construction and manufacturing labourers	10 354	1 444	4 054	4 122	630	104	-
All other labourers	1 859	226	521	1 058	54	-	34

Occupations by monthly income distribution in TT dollars:

Private sector (1998)

Occupations	Total Employed	$1000-$1499	$1500-$1999	$2000-$2999	$3000-$3999	$4000-$4999	$5000 and over
Professionals	45 511	4 858	3 376	10 287	8 363	5 240	13 387
Office and service clerks	43 229	14 777	9 356	12 221	4 768	1 285	981
Sales and service	25 758	15 846	4 824	3 448	988	275	377
Drivers and machine and industrial plant operators	30 383	9 433	7 542	7 793	3 161	859	1 595
Trade workers	47 421	14 780	10 604	14 338	4 738	1 588	1 373

Occupations	Total Employed	$1000-$1499	$1500-$1999	$2000-$2999	$3000-$3999	$4000-$4999	$5000 and over
Agricultural, fishery and related labourers	12 423	7 740	1 596	2 265	549	103	170
Mining, transport, construction and manufacturing labourers	13 694	7 652	3 400	1 990	515	137	-
All other labourers	3 585	1 836	889	723	103	-	34

92. The National Insurance Provisions under Part III of the National Insurance Act, Chapter 32:01 establish a system of compulsory national insurance, whereby registered employed persons are insured against a loss of earnings. This includes insurance against personal injury arising out of and in the course of employment, including disease or injury caused by the nature of employment. Further, this programme offers financial payments to the dependants of an employee who has died as a result of an injury on the job. The National Insurance Employment Benefits are comprised of four categories: injury benefit, disablement benefit, medical expenses, and death benefit. The injury benefit is paid to an insured person who is rendered incapable of work through personal injury which arises out of and in the course of his or her employment, or through a prescribed industrial disease caused by the nature of his or her employment. The weekly payment which the injured employee will receive is, depending on his employment class, anywhere from TT$ 70 to TT$ 540. The disablement benefit is compensation for the loss of physical or mental faculty and includes disfigurement, whether or not it is accompanied by loss of faculty. This benefit can be paid as a grant or as a pension. The grant is paid as a lump sum where for instance, the extent of disablement is assessed at less than 20 per cent. Where disablement is assessed at 3 per cent or less, 3 per cent will be paid. In respect of the pension, the insured employee will be paid a percentage of the injury benefit. The percentage paid will be the percentage of disability assessed by his or her doctor. The death benefit is a payment or periodical payments made to specific survivors of a deceased insured person who died as a result of an accident or of a prescribed industrial disease arising out of and in the course of employment. The survivors' benefit is a payment or periodical payment made in respect of an insured person whose death arises out of a non-employment injury. A widow, widower, child/step-child, orphan, or a dependent parent of the insured deceased who has made a minimum of 50 contributions, qualifies to receive this benefit. Depending on the relationship of the person to the deceased, and depending on the employment class of the insured person, payments under this benefit range from TT$ 15 to TT$ 145.80 per week. The National Insurance Board may also grant a sum of TT$ 2,000 to the person who meets the funeral expenses of an insured deceased person. Sickness benefit is paid to an insured person who is incapable of working because of sickness, or because he or she is suspected of having a contagious disease and is so certified by a registered medical practitioner. This benefit is not paid if the incapacity arose from an injury on the job. The weekly payment of this benefit to the insured person ranges from TT$ 63 to TT$ 486, depending on the employment class of the insured person. Maternity benefits are paid to insured women who are away from work and lose earnings as a result of pregnancy. The benefit is comprised of a weekly payment for a maximum of 13 weeks and a maternity grant. Where the insured woman does not lose earnings, she may still claim the grant. The weekly payment of the benefit to the insured woman ranges from TT$ 63 to TT$ 486, depending on her employment class. The maternity grant is TT$ 1,000. National Insurance retirement benefit is designed to supplement the income of individuals after

retirement. Every employee who has paid National Insurance contributions is entitled to a retirement benefit. The qualifying age for this benefit is between 60 and 65 years, whether one retires or not. The benefit may be paid as a pension or as a grant. The weekly pension payment ranges from TT$ 50 to TT$ 243. With respect to the grant, where the insured person reached retirement age between 10 April 1972 and 9 April 1975, the retirement grant is equal to five times the value of the contributions paid, subject to a minimum amount of TT$ 200. Where the insured person has reached retirement age on or after 10 April 1975, the retirement grant is equal to three times the value of the contributions paid, subject to a minimum of TT$ 200.

Table of contribution payments (National Insurance)

Earnings class	Weekly earnings in $	Employee's contribution in $	Employer's contribution in $	Total weekly contribution in $	Class Z weekly in $
I	80.00-129.99	2.93	5.86	8.79	0.60
II	130.00-179.99	4.33	8.66	12.99	0.88
III	180.00-229.99	5.75	11.50	17.25	1.17
IV	230.00-289.99	7.28	14.56	21.84	1.48
V	290.00-359.99	9.10	18.20	27.30	1.85
VI	360.00-429.99	11.07	22.14	33.21	2.25
VII	430.00-499.99	13.02	26.04	39.06	2.65
VIII	500.00-569.99	14.98	29.96	44.94	3.05
IX	570.00-649.99	17.08	34.16	51.24	3.48
X	650.00-729.99	19.32	38.64	57.96	3.93
XI	730.00-809.00	21.57	43.14	64.71	4.39
XII	810.00 and over	22.68	45.36	68.04	4.62

Contributions payable by an employer in respect of employment injury coverage for an employed person who has not yet attained the age of 16 years, or who has attained the age of 65, shall be set out in Class Z.

93. Unequal remuneration for work of equal value does not exist between men and women employed in the government sector, nor are their conditions of work different. The remuneration for persons holding offices in the government sector is determined by classification of occupation. Therefore, all government-employed men and women receive the same remuneration based on classification of offices held by individuals. The Government of the Republic of Trinidad and Tobago has recognised collective bargaining as a means designed to ensure equal remuneration across the board, that is for men and women, as well as within the classification principle. In so doing, the principle of equal remuneration is maintained for men and women workers doing work of equal value.

94. With respect to the objective appraisal of jobs, a system of job evaluation and classification is used depending on the work to be performed. Additionally, the rates recommended by the Minimum Wage Board are based on the concept of equal remuneration. Accordingly, frequent job evaluations and recommendations for re-classifications based on job specifications are conducted. The performance appraisal system is being re-examined with a view to the introduction of a more reliable system of performance appraisal in order to improve the effectiveness of the promotion exercise. Such a system will seek to develop adequate job descriptions and manuals of instruction for each post in the Public Service by which the

performance of officers may be more accurately assessed. It will be geared to improving the skills of all officers, to increasing their productivity and to preparing them for higher responsibility in the Public Service. Managers and supervisors who administer the performance appraisal system will have to be appropriately trained in the relevant aspects of human resource management. The Central Training Unit in the Personnel Department already offers seminars for public officers in ranges 30-45 who supervise subordinate staff, and whose duties include appraising and reporting on the performance of subordinates.

95. Presently, occupational health and safety provisions are indirectly prescribed through the Factories Ordinance of 1948, and the Employment of Women (Night Work) Act, Chapter 88:12. The Factories Ordinance is an ordinance that provides for the promotion of health, safety and welfare of persons employed in factories, and it is applicable mainly to factories with some special provisions in respect of building operations, engineering, construction, docks, wharf and quays, and electrical stations. As regards health standards, the Ordinance provides for the maintenance of cleanliness, the prevention of overcrowding, the maintenance of adequate ventilation, the provision of sufficient and suitable lighting, effective drainage of floors if applicable, and the provision of sufficient and suitable sanitary conveniences. As regards safety standards, the Ordinance provides for the secure fencing of prime movers (which are defined by the Ordinance as "every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel, or other source"), transmission machinery, every dangerous part of any machinery, as well as "every dangerous part of the ways, works or plant" (S.16). Furthermore, it provides for the safe maintenance of machinery, the safe construction and maintenance of floors, passages, stairs and guardrails. Safe means to access the place of employment and a means to escape in case of fire are also provided for by this Ordinance. Finally, as regards welfare, the Ordinance provides for the prohibition of the use of white phosphorus in the manufacture of matches, it prohibits the employment of young persons in lifting excessive weights, and it prohibits the importation and sale of articles made with prohibited materials.

96. According to S.29 of the Factories Ordinance, if an inspector is satisfied that the conditions of the process or work carried out, or any part of the ways, works, machinery or plant being used, threatens the safety, health or welfare of any employee, a court of summary jurisdiction is empowered to:

> "(i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or
>
> (ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of; or
>
> (iii) prohibit the use of the factory or any part thereof until such works have been executed as are in the opinion of the court necessary to remove the danger."

97. Part VI of the Factories Ordinance regulates the notification and investigation of accidents and industrial diseases. According to S.37, any accident that causes the loss of life or disables a person for more than three days from earning full wages must be reported in writing to

the inspector of the district. Under S.38, where a factory employee is diagnosed as suffering "from lead, phosphorus, arsenical, mercurial, benzene or aniline poisoning, or anthrax, or epitheliomatous ulceration of the skin, contracted in any factor," the medical practitioner attending to this employee must submit a written report to the Senior Inspector of Factories of the Department of the Commissioner of Labour, notifying him or her of the same. Furthermore, this part of the Ordinance also empowers the President to direct formal investigation of accidents and cases of diseases.

98. The Employment of Women (Night Work) Act, Chapter 88:12 describes itself as an Act relating to the employment of women during the night in industrial undertakings. Section 5 prohibits the employment of women at night, except in certain instances, which are provided under S.6. These include:

> "(a) ... an industrial undertaking in which only members of the same family are employed;
>
> (b) ... women holding responsible positions of management who are not ordinarily engaged in manual work;
>
> (c) ... a case where it is shown to the satisfaction of the court trying any proceedings brought under this Act that the night work complained of was due to a cause beyond control bringing about the interruption of work which it was impossible to foresee and which is not a recurring character, or where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and when the night work is necessary to preserve the materials from certain loss;
>
> (d) ... the preparation and packing of fresh fruit for immediate shipment."

99. In 1980, Employment of Women (Night Work) Regulations were added under S.8 of the Act. These regulations identify the power of inspectors, the penalty for interfering with the administration of the duties of inspectors, and the administrative aspect of putting forth an application to vary or reduce the period that constitutes night work.

100. A recent legislative measure is the Occupational Safety and Health (No. 2) Bill, 1998, which was recently amended and re-laid in Parliament. When passed, this bill will provide for the revision and extension of the present laws relating to the safety, health and welfare of persons at work, so as to keep pace with Trinidad and Tobago's rapid industrialization. Once enacted, this bill will repeal the Factories Ordinance, 1948 and the Employment of Women (Night Work) Act, Chapter 88:12.

101. There are many significant differences between existing legislation and the proposed bill. The most significant is that the bill will have sufficient jurisdiction to embrace all persons at work, and not just those employed in factories.

102. Part II of the Occupational Safety and Health (No. 2) Bill provides for the general duties of employers to employees and non-employees who are in the vicinity of their industrial

establishment, as well as to employees at work and to manufacturers and suppliers. These general duties are not provided for in the current legislation. Also under this Part, and in particular under clause 6 (4), a special provision is added that:

> "An employer who produces a dangerous or toxic substance shall ensure that every employee who works with or in proximity to that substance is informed about all hazard information of which the employer is or ought to be aware concerning that substance and its use, storage and handling."

"Hazard Information" is defined under clause 4 (1) of this bill to mean the following:

> "... information on the proper and safe use, storage, transport, and handling of a dangerous substance and includes information relating to the toxicological properties of the substance."

103. Part III provides for an employee's right to refuse work where he or she has reason to believe that in so doing, he or she is likely to endanger him or herself, or another employee. A procedure for reporting, investigating and resolving a refusal to work is also set out in this part of the bill. Under current legislation, employees are not afforded this right.

104. Part IV of the bill provides for additional safety requirements in respect of the employment of young persons on dangerous machines, the provision of protective clothing and devices, the removal of dangerous fumes and the prohibition of a lack of oxygen. These additional safety requirements are not provided for in the existing legislation.

105. Part V of the bill makes provisions in relation to the means for fire fighting and escape in case of fire. While the existing legislation makes similar provisions, the new bill is more explicit with regard to such things as the establishment of an escape route for employed persons, and the maintenance of passageways free from obstruction to facilitate escape in case of fire.

106. Part VI provides for health requirements, which are similar to those provided for in current legislation. However, additions include the control of noise and vibration, and the required provision of respiratory protection where necessary, as well as the requirement for more rigorous medical examinations, which includes pre-employment medical examinations.

107. Part VII of the bill relates to welfare facilities for employed persons, which for the most part are not provided for in current legislation. Specifically, these facilities which must be provided at no expense to employed persons, include the provision of adequate and easily accessible supplies of water, washing up facilities, sanitary conveniences, accommodation for clothing, first aid appliances, canteens, restrooms and lunchrooms. In the larger industrial establishments, employers will be required to provide an ambulance and a first aid room with medical and nursing staff.

108. Similar to the Factories Ordinance currently in place, Part VIII of this bill provides for the notification of the Chief Inspector, and the investigation of accidents which may be prejudicial to the safety or health of the public or which cause, or have the potential of causing death, or serious injury. This Part also provides for the reporting by medical practitioners of

cases of industrial disease and the investigation of such reports. Industrial diseases are set out in Schedule 1, which lists 38 industrial diseases, including bronchopulmonary diseases, occupational asthma, skin disease, and lung cancer. This is a vast difference from the disease list provided by the Factories Ordinance, which specifies only eight diseases.

109. Part IX of the bill relates to the employment of young persons in industrial establishments. A young person is defined under S.4 (1) of the bill as a person between the ages of 14 and 18 years of age. Under these provisions, a young person must undergo a medical examination to ascertain his or her fitness for employment in a particular industrial establishment. Furthermore, this Part prevents the employment of young persons between the hours of 10 p.m. and 7 a.m.

110. Part XI of the bill is an entirely new section, which is not in place in current legislation. It introduces the requirement that the construction plans of all proposed factories and warehouses be submitted to the Chief Inspector for his approval.

111. Part XII of the bill establishes the Occupational Safety and Health Authority, whose functions are listed in S.66. Specifically, this Authority will be responsible for enforcing the provisions of the bill, providing ministers with information with regards to relevant matters, and providing assistance and information to persons concerned with matters relevant under the bill. Section 67 of this bill provides for the approval of codes of practice by the Authority for the purpose of providing practical guidance with respect to the requirements of the proposed legislation. Section 68 provides for the use of such codes of practice as evidence in criminal proceedings.

112. Part XIII of the bill establishes the Occupational Safety and Health Agency, which shall direct the operations of several technical units and shall give effect to the policy of the Occupational Safety and Health Authority. This Part of the bill also provides for the powers of inspectors who assume through S.74, additional powers. Specifically, inspectors are empowered to issue prohibition or improvement notices to occupiers (an occupier is defined as any "person who has the ultimate control over the affairs of an industrial establishment"), where safety is endangered so as to prohibit or restrict, as the case may be, the use of premises, plant or machinery, until satisfactory arrangements are made to effectively control the source of danger. This bill also targets the abuse of this power by inspectors.

113. Part XIV of this bill makes provisions with respect to offences, penalties and legal proceedings. A person who contravenes or fails to comply with any provision of the proposed legislation commits an offence and is liable to be dealt with in accordance with the Summary Courts Act, Chapter 4:20. Where no express penalty is provided, the offender is liable on summary conviction to a fine of $20,000 and to imprisonment for one year, and to a further fine of $10,000 for each day on which the offence is continued after conviction. Additionally, a person who is aggrieved by a contravention or a failure to comply with any provision of the proposed legislation may apply to the Industrial Court for redress. The Industrial Court may impose a penalty other than a term of imprisonment as an award in favour of the aggrieved person.

114. The Factories Ordinance contains special provisions to cover workers not employed in factories, but engaged in building operations, engineering, construction, docks, wharf and quays, and electrical stations. No other non-factory employees are provided for; they are therefore excluded protection under the existing law. As mentioned earlier, the new Occupational Safety and Health Bill seeks to eliminate this scheme.

115. The Factory Inspectorate Division of the Ministry of Labour and Co-operatives is responsible for enforcing occupational health and safety provisions. The unit comprises an Industrial Inspections Supervisor, two Industrial Safety Officers II, six Industrial Safety Officers I, and one Factory Inspector.

116. Information dissemination in respect of workers' rights and legislation related to employment is achieved through the lectures to employees and management personnel in the workplace, through colleges such as the Cipriani College of Labour and Cooperative Studies, and through trades schools. Information is also disseminated to other government agencies.

117. Industrial Injuries by industry: 1992, 1994, 1996-1999

Industry	1992		1994		1996		1998		1999	
	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal
Agriculture	-	-	-	-	1	-	-	-	-	1
Sugar	-	119	4	82	-	96	3	132	-	53
Petroleum	1	136	-	84	-	87	-	75	-	20
Manufacturing	1	364	-	244	1	256	-	194	-	98
Electricity, gas, water	1	27	-	39	2	13	-	1	1	1
Construction	-	-	-	12	1	-	-	30	-	22
Wholesale, hotel and restaurants	-	12	-	1	-	-	-	2	-	-
Transport storage and communication	-	1	-	1	1	16	-	28	1	18
Financial services	-	-	-	-	-	-	1	2	-	-
Community and social services	-	-	-	-	-	-	-	-	-	-
Personal services	-	1	-	-	-	-	-	-	-	-

118. In 1960, the Workmen's Compensation Act, Chapter 88:05 was enacted to provide for the payment of compensation to workmen who have suffered injuries in the course of their employment. Part I dealing with the interpretation of the Act and with the appointment and remuneration of medical referees, Part II dealing with compensation, Part III dealing with medical aid, Part VI dealing with commissioners, and Part VII dealing with provisions of a general nature came into effect in 1960. Part IV dealing with occupational diseases and Part V dealing with compulsory insurance came into effect in 1997.

119. Section 4 of the Workmen's Compensation Act states that:

> "If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as mentioned below, be liable to pay compensation."

Exceptions referred to include instances where the injury disables the workman for a period of less than three days from earning full earnings, or where the injury was a result of the workman's wilful misconduct.

120. Part IV of the Workmen's Compensation Act makes provisions with respect to occupational diseases. According to S.17 (8), where a Special Medical Board or medical practitioner grants a certificate that a workman is suffering from a disease listed in the first schedule of the Act, causing disablement or death of the workman, and where the commissioner is satisfied that the disease was caused by "the nature of employment in which the workman was employed at any time within twenty-four months previous to the date of the granting of the certificate or death of the workman," the workman shall be entitled to compensation under the Act. The Act goes on to provide for the calculation of earnings, fixing a date from which time is to run, and requirements as to giving of notice.

121. Part V of the Workmen's Compensation Act makes provisions with respect to compulsory insurance. Section 24 of this Act states that:

> "... it shall not be lawful for any person to employ any workman unless there is in force in relation to the employment of that workman a policy of insurance."

Any employer who contravenes this section is guilty of an offence.

122. With the exception of government employees and workers covered by collective agreements and private contracts, there are no provisions in legislation which guarantee workers' benefits such as holiday pay, vacation pay, or sick pay. However, the Ministry of Labour and Cooperatives is currently working towards developing legislation which would govern basic conditions of work.

123. Persons who are 60 years of age and older can be employed on a contractual arrangement within the Public Service and/or the private sector.

Article 8

124. The establishment and operation of trade unions is regulated by the Trade Unions Act, Chapter 88:02 and the regulations made thereunder. Under this Act, there shall be a registrar of trade unions, with whom every trade union is required to be registered. To fulfil the statutory requirements for registration a trade union must, inter alia:

(a) Provide a list of the titles and names of its officers to the registrar;

(b) Be registered under a unique name;

(c) Carry out its main activities in areas covered by statute; these refer to the "regulation of the relations between workmen and workmen, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members";

(d) Provide printed rules of the trade union which must contain provisions relating to the place of meeting for the conduct of the trade union's business; the objectives of the trade union; the purposes for which its funds shall be used; the conditions under which members may be entitled to the benefits provided; the procedure for making, altering, amending and rescinding rules, appointing and removing officers, investing funds, annually or periodically auditing the accounts, and the inspection of the books and the names of members of the trade union by every person having an interest in its funds; and the manner of its dissolution; and

(e) Have a registered office.

With respect to the conditions which must be fulfilled in order to join a trade union, the Trade Union Act, Chapter 88:02 provides that unless a provision is made in the rules to the contrary, a person under the age of 21 but above the age of 16 may be a member of a trade union.

125. Under the Trade Unions Act, Chapter 88:02 trade unions can function freely insofar as they are afforded the right to create rules for their own regulation. The Trade Unions Act simply provides a general framework by identifying minimum standards in respect of issues that need to be addressed by the union. Aside from these and other provisions relating to the registration of the union, in effect, the trade union can form and operate freely without any interference.

126. The Industrial Relations Act, Chapter 88:01 empowers the court, inter alia, to enjoin a trade union or other organisation of workers or other person from taking or continuing industrial action. Section 21 of this Act established a Registration, Recognition and Certification Board (RRCB), which is charged with the responsibility for the certification of recognized majority unions.

127. The following are limitations on the functioning of trade unions:

(a) The RRCB shall certify as the recognized majority union, the trade union which has more than 50 per cent of the workers in the relevant bargaining unit as members in good standing. Only the recognized majority union may enter into negotiation with the employer for the purposes of collective bargaining;

(b) Where industrial action is threatened or taken, and the Minister of Labour and Cooperatives considers that the national interest is threatened or affected, he or she may make an application to the Industrial Court for an injunction restraining the parties from commencing or from continuing the action. The Court may also make such an order as it considers fit, having regard to the national interest;

(c) An employee or worker carrying on or engaging in an essential service shall not take industrial action in connection with any such essential service. Essential services include: the electricity service, the water and sewage services, the internal telephone services, external

communications (telephone, telegraph, wireless), the fire service, the health services, the hospital service, the sanitation service, the public school bus service, and the civil aviation service;

(d) The following persons shall not take part in industrial action: members of the fire service, the Public Service, the prison service, the teaching service, and the staff and other employees of the Central Bank.

128. The Government of Trinidad and Tobago has ratified International Labour Organization Convention No. 98, which is a progressive step towards the promotion of free collective bargaining.

129. There are 109 registered trade unions in Trinidad and Tobago at this time. They are comprised of, at minimum, seven members including the President, the Secretary and two Trustees. Some of the main trade unions include the Trinidad and Tobago Unified Teachers' Association for teachers in the Public Service, the Oilfields Workers Trade Union, the Public Services Association of Trinidad and Tobago, the National Union of Government and Federated Workers (the largest union), the Seamen and Waterfront Workers' Trade Union and the All Trinidad Sugar and General Workers Trade Union. There is a Trade Union Division within the Ministry of Labour and Cooperatives which deals with matters concerning trade unions.

130. The Trade Union Act makes no exceptions for disabled or older persons. They have an equal right to join and form trade unions.

131. According to the Industrial Relations Act, Chapter 88:01, every worker shall have the right to be a member of any trade union or any number of trade unions of his or her choice and the right not to be a member of any trade union or other organization of workers. The term "worker" refers to:

(a) Any person who has entered into or works under a contract with an employer to do any skilled, unskilled, manual, technical or other work for hire or reward;

(b) Any person who by any trade, usage or custom or as a result of any established pattern of employment or recruitment of labour in any business or industry is usually employed or usually offers himself for and accepts employment accordingly;

(c) Any person who provides services or performs duties for an employer under a labour contract, and includes any such person

(i) Who has been dismissed, discharged, retrenched, refused employment, or not employed, whether or not in connection with, or in consequence of, a dispute;

(ii) Whose dismissal, discharge, retrenchment or refusal of employment has led to a dispute; or

(d) Any such person who has ceased to work as a result of a lockout or strike.

132. No person shall be regarded as a worker, if he or she is

(a) A public officer;

(b) A member of the Defence Force or any ancillary force or service thereof, or of the police, fire or prison service or of the police service of any municipality, or a person who is employed as a rural constable or estate constable;

(c) A member of the teaching service or is employed in a teaching capacity by a university or other institution of higher learning;

(d) A member of staff and an employee of the Central Bank;

(e) A person who

(i) Is responsible for the formulation of policy in any undertaking or business or the effective control of the whole or any department of any undertaking or business; or

(ii) has an effective voice in the formulation of policy in any undertaking or business;

(f) Employed in any capacity of a domestic nature, including that of a chauffeur, gardener or handyman in or about a private dwelling house and paid by the householder;

(g) An apprentice within the meaning of the Industrial Training Act.

133. While the right to strike is not protected by the Constitution, S.60 of the Industrial Relations Act, Chapter 88:01 provides that:

> "Subject to this section and section 59 [which deals with unresolved disputes], where there is an unresolved dispute between the employer and the recognized majority union the employer or recognized majority union may take action by way of lockout or strike."

A lockout notice or strike notice must be given to the other party and to the Minister of Labour and Cooperatives in order to begin proceedings. According to S.60 (4), no action can be taken later than seven days after the date on which the Minister of Labour and Cooperatives certifies that the dispute is unresolved, or after both parties have requested that the Minister refer the dispute to the court. The other party may always respond with strike or lockout action without notice.

Article 9

134. The Ministry of Social and Community Development is a core ministry within the social sector, with respect to the implementation of the Government's national, social development goals and objectives, as outlined in successive Medium Term Policy Framework, and other

national planning documents. The Ministry's mission statement is to empower the socially vulnerable to achieve self-reliance, and thereby to enhance their well-being and facilitate their contribution to national development.

135. The Social Welfare Division of the Ministry of Social and Community Development provides social security to the aged and needy in the country's society. Through the administration of non-contributory social security programmes, which are financed out of the annual consolidated fund, old age pension, public assistance, disability grants and emergency care fund grants are provided to socially vulnerable groups. In 1996, there were approximately 88,000 recipients of old age pensions and public assistance. The three main programmes offered by the Social Welfare Division are governed by statute. These are the Old Age Pension Act, Chapter 32:02 as amended, the Public Assistance Act, Chapter 32:03 and the Adoption of Children Act, Chapter 46:03. Old age pensions in the sum of TT$ 600 per month are available for persons aged 65 and over with an annual income of below TT$ 5,000. Under this Act, blind persons may receive a pension at an earlier age if they are unable to earn their livelihood. Public assistance targets needy children, the disabled, and the poor. According to S.3 of the Public Assistance Act, Chapter 32:03,

> "Assistance shall be given to meet the needs of necessitous persons who are prevented by some disability from earning a living; and shall normally be given to the head of the family, whose needs shall be deemed to include those of his dependants."

Applications for public assistance are made at the local board office where the applicants reside. A disability assistance grant is available for persons between the ages of 40 and 65 years whose annual income is below TT$ 5,000.

136. The elderly in Trinidad and Tobago comprise approximately 96,000 persons (or 7 per cent) of the total population. This is projected to increase to 15 per cent by the year 2005. To address the needs of poor senior citizens, the Government enacted in 1939 the Old Age Pensions Act, to provide for old age pensions. The statutory conditions for the receipt of pension by any person are:

(a) The person must have attained the age of 65 years;

(b) The person's annual income must not exceed TT$ 7,000;

(c) The person must have been ordinarily resident in Trinidad and Tobago for the 20 years immediately preceding the claim for pension. (A person shall not be deemed to have ceased to be resident merely by reason of temporary absence for an aggregate period not exceeding 2 years during the period of 20 years).

137. Approximately 70,000 persons or 65 per cent of the population over the age of 65 years benefit monthly from this programme. Where income is less than TT$ 100 per month, the individual will qualify for a monthly pension of TT$ 620. If the monthly income is between TT$ 100 and TT$ 620 per month, the individual will qualify for a benefit of TT$ 520 per month. The pension also includes a food subsidy of TT$ 70.15. Further, all recipients of the old age

pension programme are entitled to a bus pass, which permits them to travel free of charge on buses operated by the Public Transport Service Corporation. These bus passes are valid for life.

138. There is also in place a Pensions Act, Chapter 23:52 which was enacted in 1934. It was implemented to regulate pensions, gratuities and other allowances to be granted to public service officers who were appointed to the Public Service after 1 August 1934. Section 14 of this Act provides that a public officer may be required to retire anytime after attaining the age of 60 years, and in special cases, after attaining the age of 50 years. The only restriction contained within this Act is stated in S.4 which indicates that the Pensions Act, Chapter 23:52 does not apply to a public officer to whom the Retiring Allowances (Diplomatic Service) Act, Chapter 17:04 applies (since it contains its own pension provisions). Other provisions contained within the Pensions Act, Chapter 23:52 indicate that a public service officer must have served a period of contribution of 10 years before he or she can qualify for a pension under the Act. If an officer has not completed 10 years of service, he or she may apply for a gratuity. S.4 provides that a female public service officer who has held a pensionable office for no less than five years can retire from service for the reason that she has married, or is about to marry. However, an amendment to the latter section provides that only married women who entered the public service before 14 August 1997 are now eligible to retire on the grounds of marriage.

139. Currently, more than 50,000 persons continue to benefit from the public assistance grant. Further, recent amendments to the regulations governing the old age pension grant have resulted in an additional 8,000 senior citizens becoming eligible for the old age pension programme. The Government is also in the process of harmonizing the contributory and non-contributory social security systems in order to bring greater equity into the system.

140. The Children's Aid Act, Chapter 46:03, deemed the St. Michael's School for Boys (for boys over the age of 10 years), the St. Jude's School for Girls (for girls over 10 years of age and up to 18 years of age), the St. Mary's Children Home and the St. Dominic's Children Home as certified schools and orphanages. Approximately 648 children are accommodated at these four institutions. There are problems of overcrowding and understaffing at these homes. The Ministry of Social and Community Development, recognizing that children need to be prepared for life after receiving institutional care, has worked with the management of these homes in an effort to develop youth programmes. One project was the Marion Acres Farm Project. Ten young males were selected to participate in this project which included training in auto and small appliances repair. By itself, however, this project cannot accommodate all the children in need of care. Statistics indicate that an average of 65 children per year are expected to leave care. The Ministry believes that the establishment of halfway houses will immediately address the accommodation, social and training needs of the past residents of these homes. The immediate objective of such proposed services is to enable young persons leaving care to develop social and educational skills, so that they can become self-reliant. It is intended to provide accommodation in these halfway houses for a maximum of 30 males and females who are past residents of children's homes for a minimum of one year and a maximum of three years, and to facilitate the training and employment of these residents. In 1997, the Ministry of Social and Community Development coordinated the design and implementation of four social development projects, including the refurbishment and construction of buildings at the St. Michael's Boys School, the Remand Home Facility at Aripo, the Couva Probational Hostel, and the Centeno Halfway House Facility. In terms of the progress made on these projects, the St. Michael's project is being

conducted in several phases. One major phase, the multipurpose dining hall and kitchen facility, has been completed and opened in 1999. The trade shop and the new laundry and dormitory phases of that project are still to be completed. The Couva Probational Hostel is expected to be completed by the middle of March 2000. The Centeno Facility is expected to be completed by the end of March 2000. Finally, the Aripo facility is expected to be completed within this financial year.

141. The Children (Amendment) Act, No. 19 of 1994 provides in S.11(12) that where a complaint is made on oath that a child or young person has suffered or is suffering from harm so as to cause concern for the welfare of that child or young person, where the circumstances so require, a magistrate may issue a warrant authorizing any constable to remove a child or young person to safety and detain him or her there until he or she is brought before a magistrate. Any constable so authorized may enter, if need be by force, any house or building or place specified in the warrant and may remove the child or young person.

142. The National Insurance Provisions under Part III of the National Insurance Act, Chapter 32:01 establish a system of compulsory national insurance, whereby registered employed persons are insured against a loss of earnings. This includes insurance against personal injury arising out of and in the course of employment, including disease or injury caused by the nature of employment. Under this Act, persons under the age of 16 years, and over the age of 65 years are not insurable against employment injury. Further, employment not considered insurable under this Act includes: part-time employment of less than 10 hours per week, remuneration of not more than TT$ 5 per week, employment of a woman by her husband, employment of a person who is not a citizen of Trinidad and Tobago and is exempt from social security provisions by virtue of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chapter 17:01, and the employment of any person by an international organization.

143. The National Insurance (Benefits) Regulations were made under S.55 of the National Insurance Act, Chapter 32:01. These regulations provide for sickness benefits offered for sickness caused by a non-employment injury, maternity benefits, invalidity benefits (which is an extension of a sick benefit), disablement benefits, death benefits (which is injury benefits paid to the estate of the deceased person), and survivor benefits (which is orphans' and widows' allowance).

144. There is a Widows' and Orphans' Pensions Ordinance that entitles widows and orphans of deceased pensionable officers of certain specified statutory boards to receive payment of pensions. However, similar provisions are made in other legislation relating to other categories of work. Some examples of these include, S.10 and 11 of the Retiring Allowances (Diplomatic Service) Act, Chapter 17:04, and SS.21 and 22 of the Pensions Act, Chapter 23:52.

145. While Trinidad and Tobago provides social security to most of the population in the country, there are groups within the country's society that are excluded from formal social security schemes. These are:

(a) Low-income families who must make arrangements with respect to medical care and education for challenged children (especially multiple-challenged children);

(b) Persons who are HIV positive, who are not medically disabled from earning, but who have been rendered jobless due to discrimination in the workplace; and

(c) Women who are widowed and whose husbands had not contributed to a contributory social security scheme, and who have not been certified disabled from earning.

146. A disability assistance grant is provided for persons who are 40 to 65 years of age, and who are certified as being physically and mentally disabled from earning. This programme was introduced in 1998 through the Social Welfare Division of the Ministry of Community and Social Development to provide assistance to a broader base of vulnerable and disadvantaged persons in society. Approximately 3,000 persons benefit from this programme. Further, assistance is provided to non-governmental organizations which provide employment opportunities to persons with disabilities through the provision of annual subventions in the sum of approximately TT$ 6 million.

147. The Ministry of Social and Community Development, in collaboration with the Perez Guerrero Trust Fund Project, also seeks to facilitate vocational training for disabled persons by providing greater access to training services, training delivery and support services; meeting different learning styles and needs; assisting to overcome barriers to entry requirements and with interview and selection procedures; and offering job placements and employment opportunities. The project aims to train trainees, who will in turn train teachers at their respective institutions.

148. There is also a National Centre for Persons with Disabilities in Trinidad and Tobago, which is funded by the Ministry of Social and Community Development (20 per cent), and by revenue which the Centre raises on its own (80 per cent). The purpose of this Centre is to train persons with disabilities who are over the age of 15 years in the vocational skills that will result in permanent employment. Predominantly, the Centre trains persons who have physical disabilities, hearing disabilities, speech disabilities, a mild mental disability or who are slow learners. The Centre has an average of 150 to 200 students at any given time. There are three levels within the training programme offered: training, apprenticeship and production. When students reach the production level, they will be involved in practical application of their newly acquired skills in, inter alia, woodworking, food production, and garment manufacturing. Upon completion, the Centre sells these products, and it is here that it acquires 80 per cent of its revenue. Following the completion of the training programme, the students are usually given contract employment with the Centre. There is, however, a need for more outreach programmes. In other words, there is a need for permanent, outside employment placements. Further, the Centre is the only one of its kind and, according to the staff, more centres are necessary in Trinidad and Tobago to serve persons with disabilities in other parts of the country. While it is true that more funding is necessary, the Centre feels that with increased funding there must be increased accountability in order to ensure that it is disabled persons who benefit from it.

149. Trinidad and Tobago does not actively practice the institutionalization of disabled persons, and all efforts are made to integrate them into the regular mainstream of society. In fact, the Ministry of Social and Community Development has developed a National Policy on Persons with Disabilities. Fundamentally, the policy seeks to integrate the disabled into society.

The policy intends to accomplish this by implementing measures in employment income maintenance and social security, rehabilitation and technical aids and equipment. The policy promotes the following:

(a) The inclusion of children with disabilities into the regular school setting;

(b) The provision of appropriate teaching aids and support;

(c) The encouragement of self-reliance and promotion of the involvement and participation of disabled persons into the country's socio-economic development;

(d) The elimination of marginalization and discrimination of disabled persons;

(e) The creation of a legislative base in this regard; and

(f) The cooperation between Government and non-governmental organizations.

As a result of this policy, a National Coordinating Committee was constituted and a Disability Affairs Unit established to serve as secretariat to the Committee. These two bodies are responsible for developing programmes to improve the status of and secure equalization of opportunities for disabled persons.

150. At present, the laws governing social security schemes are not flexible enough to make provisions for newly emerging categories of "at risk" persons, such as HIV positive persons. However, the Government does recognize the need to take measures in this regard.

151. The following shows expenditures that are both recurrent and capital, and expenditures as a percentage of the gross national product (GNP) with respect to social security.

Year	Expenditure TT$ million	GNP TT$ million	% of GNP
1990	347.2	19 830.00	1.8
1999	947.8	38 619.00	2.5

152. For the 1998/1999 fiscal year, the Government allocated a total sum of TT$ 84.3 million in support of a variety of social and community services, projects and programmes of the Ministries of Social and Community Development, Culture and Gender Affairs, non-governmental organizations and specialized agencies. For the coming 1999/2000 fiscal year, the Government has allocated a total sum of TT$ 59.1 million to meet the investment needs of activities in these areas.

153. In 1998/1999, the Ministry of Social and Community Development was allocated a total of TT$ 30.8 million to continue programmes to assist the socially displaced, substance abusers and to improve community facilities. Construction works on the Couva Probation Hostel, were substantially completed at a cost of TT$ 2.2 million. The Drop-In Centre for street children in Port of Spain was expanded to provide sleeping accommodation for approximately 15 additional children. The sum of TT$ 12 million was allocated for the construction of 8 new community

centres and the refurbishment of 27 existing centres. Progress was also made on the National Drug Abuse Demand Reduction programme in the face of manpower constraints. Several consultancies were awarded primarily in the areas of public awareness and curriculum development for schools. The Public Education Campaign was mounted and work continued on the publication of a quarterly newsletter. The delivery of social services to poor communities was also enhanced through the implementation of several programmes under the Community Development Fund. These services include the upgrade of drainage, roads and bridges, as well as training programmes in organizational development, and project preparation, implementation and management.

154. For the 1999/2000 fiscal year, the YTEPP Community-Based Programme will be supported by the Community Development Fund (CDF). An amount of TT$ 3.1 million is provided to conduct 50 skills training courses for 1,500 young persons in low-income communities. The sum of TT$ 8 million is allocated for the expansion of the Early Childhood Care and Education (ECCE) Programme. It is estimated that some 32 centres will be provided and staffed in the coming year. Further, in an effort to generate up-to-date information on the conditions of poverty in the country, a sum of TT$ 1.2 million will be sourced from the World Bank grant resources to undertake surveys of living conditions on a continuous basis. Resources consisting of TT$ 31.6 million will be allocated to support the programmes to be completed by the Ministry of Social and Community Development. The Community Development Division of this Ministry has been allocated a total sum of TT$ 13 million to complete the construction and refurbishment of 32 community centres. New refurbishment projects will be initiated in 26 other existing centres.

155. The legislation discussed under this article makes no exceptions for women. They have an equal right to benefits and coverage.

Article 10

156. There is an Age of Majority Act, Chapter 46:06 in Trinidad and Tobago. It is described as an Act to amend the law relating to the age of majority, to persons who have not attained the age and to the time when a particular age is attained. Under S.2(1) of this Act, a person shall attain full age of majority on attaining the age of 18 years instead of on attaining the age of 21. The Status of Children Act, Chapter 46:07 provides in S.3 that the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock. Under the Children Act, Chapter 46:01, a child is defined as a person under the age of 14 years, and a young person is defined as being a person who is 14 years of age or more.

157. The Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chapter 46:08 is an Act that defines and regulates the authority of parents as guardians of their minor children, whether or not born in wedlock, their power to appoint guardians, and the powers of court in relation to the guardianship, custody and maintenance of minors and related matters. Under this Act, a minor is defined as a person under the age of 18. A minor child of the family is defined as including a minor child of unmarried or married persons, or any other minor child who has been treated by both of those parties as a minor of their family. Section 3 of this Act provides that the first and paramount consideration in proceedings before any court for the

legal custody or upbringing of a minor or the administration of any property belonging to or held in trust for a minor, must be the welfare of the minor. Section 4(1) of the same Act provides that the parental rights of the mother and parental rights of the father are equal. The Act also provides for paternity orders which are defined in S.2(1) as "an order of the court declaring a man to be the father of a minor whether born or unborn". Section 24 and S.25 of this Act provide for proper financial contributions towards the reasonable maintenance of any minor of the family in the event of a marital break-up.

158. Section 3 of the Legitimation Act, Chapter 46:04, provides that where the parents of an illegitimate person marry or have married one another, the marriage shall, if the father of the illegitimate person is or was at the date of marriage domiciled in Trinidad and Tobago, render that person, if living, legitimate from the date of the marriage of his or her parents.

159. The Children Act, as amended by Act No. 19 of 1994, contains provisions for the protection of children who are ill-treated or neglected. Section 3 of the Act provides that if any person over the age of 16 years who has custody, charge or care of the child or young person wilfully assaults, ill-treats, neglects, abandons or exposes the child or young person, or causes or procures the child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause the child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause the child or young person injury to his or her health, that person is liable to a fine of $10,000 on conviction on indictment and/or to imprisonment for two years. On summary conviction such a person is liable to a fine of $5,000 in addition to imprisonment for six months.

160. State policy and legislation cater for children who are orphans. They are accommodated in children's homes or are available for adoption. Abandoned children are also catered for by government services. They are placed through the court system into short- and long-term care. Efforts are being made for the reunification with families of origin, or with relatives as far as practicable and wherever possible.

161. Mentally and physically challenged children are generally less fortunate. Presently, there are not enough homes to cater for their residential, rehabilitative and educational needs. The Social Welfare Services of the State generally do not as yet provide assistance to families in which there are physically or mentally challenged members, to ensure that such members are accorded their rights to education and a reasonable standard of living. Non-governmental organizations and community-based services have been more prominent in offering assistance to such persons and their families.

162. Currently there are two major shortcomings with respect to the assistance available to vulnerable children. Firstly, the legal system has for many years failed to be revised so as to accommodate the needs of the child in accordance with relevant international covenants and conventions (primarily the Convention on the Rights of the Child). Secondly, in general, there have been no increases in human and material resources concomitant with escalating problems associated with children, which are catalysed by drug abuse, retreatment and HIV/AIDS issues, in respect of the social service delivery system.

163. Several services have been established to address some of these shortcomings. Firstly, the Government of Trinidad and Tobago has offered substantial increases in subventions to agencies that offer care for children (residential and other). Secondly, the National Family Services Division was established in 1990 to address issues concerning families and children. Thirdly, training for careers dealing with children in homes has also been made available.

164. New legislation has recently been introduced in Parliament to make the policies and services regarding children more aligned with the spirit of the Convention on the Rights of the Child, as well as with the goals of the World Declaration on the Survival, Protection and Development adopted by the World Summit for Children. The legislation includes:

(a) The Children's Authority Bill, 1999. This bill seeks to establish an Authority which is to act as the guardian of the children of the Republic of Trinidad and Tobago. It also seeks to establish strict guidelines for the social system with respect to children. This bill would allow the Authority to receive and temporarily assume parental rights and obligations with respect to any child brought to its attention as being in need of care and protection. It will also compel the Authority to bring such children, where it believes necessary, before the court in order for the court to either revoke the assumption or affirm it, and make the appropriate care order in respect of that child. Finally, this bill seeks to ensure that children are adequately provided and cared for, whether they are in a family situation or not;

(b) The Adoption of Children Bill, 1999. This bill repeals the existing Adoption of Children Act, Chapter 46:03 and brings the law into harmony with developing trends in this area. This bill proposes to regulate the procedure governing adoption in Trinidad and Tobago, and reflects the recommendations for reform of adoption laws submitted by various interest groups. The bill also requires the Adoption Board to cooperate with and assist the Children's Authority in the attainment of its objectives, and gives the Family Court the jurisdiction to make adoption orders. Further, the bill seeks to eliminate the hardship experienced by persons resident abroad who wish to adopt children in Trinidad and Tobago. It also makes provisions for enabling a child who is a resident of Trinidad and Tobago to be placed with foreign adopters who are not resident in Trinidad and Tobago, thus removing the nationality restriction imposed by the existing adoption laws. However, it also introduces safeguards to protect children who are to be placed with foreign adopters;

(c) The Children's Community Residences, Foster Homes, and Nurseries Bill, 1999. This bill seeks to make provision for the monitoring, licensing and regulating of children's homes, rehabilitation centres, foster homes and nurseries. This bill provides that such residences must meet specific licensing, monitoring and regulating requirements. Further, this bill introduces the concept of a formalized foster care system to be set up by the Children's Authority, and will set out the application procedure for prospective foster parents;

(d) The Miscellaneous Provisions (Children) Bill, 1999. This bill seeks to effect a series of amendments to a number of existing laws affecting children in order to effect reform and to ensure that Trinidad and Tobago complies with its obligations under the Convention on the Rights of the Child. For instance, this bill will repeal the Corporal Punishment (Offenders

Not Over Sixteen) Act, Chapter 13:03 in order to comply with article 37 of the Convention which outlaws torture or other cruel, inhuman, or degrading treatment or punishment in relation to children;

(e) The Children (Amendment) Bill, 1999. This bill seeks to bring the present legislation pertaining to children in conformity with the Convention on the Rights of the Child. This bill will amend the Children Act, Chapter 46:01 to ensure compliance with the Convention, and also to harmonize it with the Children Authority Bill, 1999, and the Children Community Residences Bill, 1999 (discussed above). The main change being implemented through this bill is that the definition of "child" will be amended so that the upper age-limit for a "child" will be increased from 14 to 18 years.

165. Trinidad and Tobago recognizes de facto several definitions of a family. These include the following:

Family type	Definition
Extended family	Intergenerational family unit
Nuclear family	With mother, father and children (either legally sanctioned or common-law relationships)
Single-parent family	With one parent in the household who is responsible for the care of children
Sibling family	Where there is no adult head. These are mainly cases where adult caregivers have migrated, either internally or internationally or where there may be mental illness or drug abuse

In dispensing benefits, the Ministry of Social and Community Development recognizes all of the above family types.

166. The following is a list of means employed to grant assistance and protection to families.

Assistance	Description
Formal assistance	Counselling services are offered by the National Family Services (Probation Division), especially with respect to Domestic Violence and Delinquency
Financial assistance	Financial assistance is provided through subventions or grants offered by the Social Welfare Division of the Ministry of Social and Community Development
Material assistance	The SHARE Division of the Ministry of Social and Community Development provides food hampers
Adoption and foster care	The Ministry of Social and Community Development facilitates this

Assistance	Description
Protection and legal services	Protection and services are offered through the Ministry of Legal Affairs, the Ministry of National Security and the Police Service
Informal services	Ministry of Culture & Gender Affairs offers counselling via telephone through a 24-hour hotline
	Non-Governmental organizations and community groups, religious organizations offer counselling services and financial assistance

167. The National Family Planning Services Division of the Ministry of Social and Community Development is the main agency catering for the protection and maintenance of healthy families in Trinidad and Tobago. The major aspect of the Division's work is in prevention which includes lectures and workshops targeted at various groups of the population as well as counselling and rehabilitative services for families in need of referral to such services. The Division also networks with other relevant agencies to advocate the revision and enactment of legislation to support healthy families. The Social Welfare Division of the Ministry addresses income maintenance benefits with a small number of casework services. Micro-enterprise assistance is offered to generate self-sufficiency within families. This assistance is dispensed through the Social Welfare, the Probation and the National Family Planning Services Divisions of the Ministry. The Community Development Division also carries out preventive and rehabilitative work through communities.

168. At the present time, there are strict guidelines for the provision of social welfare benefits. For instance, children are entitled to benefits if the head of their family, usually the father, is unable to work through illness or is dead. However, female-headed households experience difficulty in accessing benefits, as these are determined largely on the status of the male. Further, new poor families subsisting under the poverty line are not readily eligible for Social Welfare Benefits due to the strict needs criteria that are in force. There is a need to revise laws to address this area of need. Where heads of household afflicted with the HIV/AIDS virus may have lost their jobs through discriminatory practices, rather than the presence of illness, families can and do suffer. Also, while extended and other forms of familial organizations are taken into consideration, in practice, the process can be lengthy and the question of equity is of concern. Practitioners and social service groups continue to lobby for changes to existing practices. Over the years, there has been some degree of change, but the momentum of change has been extremely slow.

169. The current policy of the Ministry of Social and Community Development promotes a community-centred approach to the sustainable development process, with social services being delivered to all the sectors of the community. At present, the Ministry is considering the restructuring of its social service delivery system so as to introduce more decentralized community-based services through non-governmental organizations as far as their capacities permit. Already, there is appreciable change in a more systemized approach in the operations of some non-governmental organizations. The Government has also allocated funding to assist in the strengthening and development of these structures.

170. In Trinidad and Tobago, inadequacy exists in respect of social services for families with elderly members. Currently, the Government provides for and has increased old age pension on three separate occasions within the last five years, in an attempt to ensure that these persons live above the established poverty line. There is also a Geriatric-Adolescence Partnership Programme where youths are trained to care for the elderly. Such programmes were introduced to improve intergenerational links, and to employ young persons. Further, the Government offers subventions to a few homes for the elderly on the basis of selected criteria, while training is being offered to caregivers of the elderly on an annual basis. In the meantime, attempts are currently being made to develop a policy for older persons, to ensure respect for their rights and to improve their quality of life.

171. Marriages are permitted in Trinidad and Tobago under the Marriage Act, Chapter 45:01, the Muslim Marriage and Divorce Act, Chapter 45:02, and the Hindu Marriage Act, Chapter 45:03.

172. For further information in respect of the right to enter into marriage and to establish a family, please make reference to paragraphs 260 to 265 under article 23 of the third Report to the ICCPR.

173. According to the 1990 census, data showed that of 703,208 persons surveyed, 303,837 persons were never married, 323,804 persons were married, 7,082 persons were legally separated, 14,822 were divorced, and 12,489 did not state their marital status. The 1990 Census Fertility Report defines "legally separated" as a person who is not living with his or her spouse and has obtained a separation by means of legal proceedings.

174. The Maternity Protection Act, Act No. 4 of 1998 was implemented to prevent discrimination against all women on the grounds of pregnancy. It describes itself as an Act to provide a minimum level of maternity leave benefits and protection. According to S.5, this Act does not apply where any written law, industrial award or collective agreement prescribes conditions more favourable than those specified in this Act. Other than that, this Act applies to all female employees. Section 7 provides that an employee is entitled to a leave of absence for the purpose of maternity leave and to full pay while on maternity leave. Section 9 (1) of this Act provides that a pregnant employee is entitled to 13 weeks of maternity leave. She may leave six weeks prior to the probable date of confinement, or at a subsequent date at the employer's discretion, and must return to work no later than 13 weeks from the date she proceeded on leave. Section 10 provides that an employee can extend her absence beyond the 13 weeks for medical reasons for a period not exceeding 12 weeks after the required date of return, but must submit a medical certificate and a notice informing her employer of her intended date of return. The first six weeks of this extended period will be paid half pay, while the next six weeks will not be paid. Further, an employee may postpone her return to work for non-medical reasons for no longer than four weeks upon the completion of her initial 13 weeks, provided she supplies her employer with a notice containing the reason for her inability to return to work, and an intended date of return.

175. Maternity protection is also offered through other legislation such as the Minimum Wages Act, Chapter 88:04, S.48 of the Education (Teaching Service) Regulations, and the Education (Assisted Secondary School Teachers Maternity Leave) Regulations. In regard to the

Minimum Wages Act, Chapter 88:04, where a minimum wage order is created and implemented, one of the conditions to date has been a provision for the length of maternity leave. To date, five minimum wage orders as well as the National Minimum Wage Order have been implemented and each indicates that maternity leave includes six weeks' absence before the delivery date, and seven weeks following the delivery date.

176. Statistical data from the 1990 census show live births of women who were not attending primary or secondary school on a full-time basis during the time of enumeration:

Total number of women surveyed: 353,655 (8,975 women did not state)

no children:	91,207	six children:	15,864
one child:	47,545	seven children:	11,418
two children:	54,175	eight children:	8,515
three children:	43,526	nine children:	6,193
four children:	31,775	ten children:	4,534
five children:	21,944	eleven or more children:	7,983

177. Restrictions on the employment of children are contained in Part V of the Children's Act, Chapter 46:07. Section 90 provides that any employer who employs a person under the age of 18 years at night in any public or private industrial undertaking, other than an undertaking in which only members of the family of the proprietor are employed, is guilty of an offence. Persons over the age of 16 may be employed during the night in the manufacture of raw sugar cane and in any undertaking, which may be declared by the President to be an exception. Under S.91, children under the age of 14 shall not be employed or work in any public or private industrial undertaking, other than an undertaking in which only members of the same family are employed. This section does not apply to work done by any child under the age of 14 years who is under an order of detention in a certified Industrial School or Orphanage.

Article 11

178. Inflation rate (change in consumer price index, %)

	1986	1989	1992	1995	1998	1999
Inflation Rate	7.7	11.4	6.6	5.3	5.6	2.3

The 1999 inflation rate represents the difference between September 1999 and September 1998.

179. The Change Management Unit for Poverty Eradication and Equity Building within the Ministry of Social and Community Development has implemented a project entitled Adopt a Community which facilitates the sponsorship by corporate entities of the needy in poverty-stricken communities. These persons are provided with community facilities and self-help projects.

180. The poverty line is a popular measure for determining absolute poverty within populations. To determine whether persons are at an acceptable level of welfare, certain items

that constitute a total package of necessities for maintaining good living standards and a healthy existence are assessed. These include income and food requirements. Measured in food consumption, the poverty line is estimated to be a minimum intake of 2,400 calories per day. The cost of these minimum food items is determined collectively. Measured against per capita monthly expenditure, the poverty line is identified as attaining a minimal standard of living, being less than TT$ 674.82 per month. According to the Trinidad and Tobago Survey of Living Conditions, which was taken in 1992, 32.5 per cent of all households live in absolute poverty as defined by this poverty line.

181. The Ministry of Agriculture, Land and Marine Resources has identified and implemented several measures for the improvement of food production, conservation, and distribution. In vegetable production, integrated pest management systems have been advocated in an attempt to improve produce quality. The level of residual pesticide in vegetables debars produce from entering larger global markets, notwithstanding the health hazard it poses directly to our national community in the immediate future, and indirectly in the long run through environmental degradation. The programme also addresses the control of water availability in both the dry and wet seasons, so as to facilitate extended production of most crops in general, but with specific reference to vegetable production. Within this framework, water quality is also factored into the planning for crop water availability. Drilling wells, constructing strategic dams and strict control of floodwater by a system of sluice gates and effectively maintained watercourses form part of an ongoing water management programme. The water management programme also aims to reduce soil erosion, to improve crop quality and to assist in the containment of soil degradation. This programme further targets improvement in cultural practices associated with some crops. The improvement in the production of dasheen, for example, has been attained through a shift away from the environmentally unfriendly practice of growth in poor quality water (slow running/stagnant water) to a system of controlled irrigation. Similarly, manual harvesting of root crops is being replaced with more mechanized systems of harvesting to encourage more intensive and extensive cultivation. This will lead to larger harvests consistent with the food security plan. This plan provides that certain foods which are recognized as staples (i.e. rice, sweet potato) should be screened and evaluated for production potential, disease resistance, persistency and acceptability. This approach will lead to the development of a system of seed certification and the enactment of appropriate legislation.

182. With respect to food conservation, post-harvest technology is currently being evaluated and implemented. The Research Division of the Ministry of Agriculture, Land and Marine Affairs is mandated to develop technologies which will increase the shelf life of the more perishable crops, and several commodities have been earmarked for agro-processing. These crops include tomatoes, cassava, green and dried pigeon peas, cucumber, pumpkin, citrus and other fruits. These scientific methods are being employed to increase food availability year round, and also to minimize losses due to spoilage and glut. With respect to food conservation, the training of farmers is important. Several divisions within the Ministry of Agriculture are working together with external agencies to develop technological packages, to educate and train small processors and farmers, and to monitor the processes for quality assurance and food safety.

183. The development and strengthening of farmers' cooperatives has been planned for the agriculture sector. This will impact positively on food distribution and reduce the burden associated with the sale of produce by individual farmers. Assured markets and guaranteed

prices will lend impetus to increased production and productivity. Cooperatives have been advocated for several individual commodities, as well as for agriculture input supplies. In the area of traditional crops, organic farming is advocated for cocoa and coffee. The programme stipulates that on farms where cocoa is grown organically, eco-tourism should be promoted and that farm visits should be a regular feature. One example of biological pest control is the biological control programme of the hisbiscus mealybug initiated by the Ministry of Agriculture, Land and Marine Affairs. This programme, by using the predator-prey relationship, has successfully curtailed the rampant spread of the hisbiscus mealybug, and at the same time provided an ecologically sustainable and environmentally friendly solution to the problem of large crop losses. More recently, a similar approach to froghopper control has been taken with respect to sugar cane crops. In the marine environment, the strengthening of the Monitoring Control Surveillance and Enforcement (MCSE) system caters for the protection and conservation of the fish stock. This system has the sea- and shore-based capability to detect and prevent unsuitable and illegal fishing practices. Further, the MCSE promotes the environmental sustainability, protection and conservation of the fisheries. The introduction of the Fishery-Specific Handling and Storage Systems for On-Board Application Programmes has in its concept the delivery of a higher quality product to the consumer and the reduction of post-harvest losses. This will increase shelf life and extend the availability of the limited fish resources.

184. The Ministry of Agriculture, Land and Marine Affairs has embarked upon agrarian reform measures since 1994. This is an attempt to effectively and efficiently manage its land resources. The way in which land is managed, particularly public land, profoundly affects the economic, social and political life of the country. The State remains to date the single largest property owner in the country and as such, any reform measures adopted by the State will dictate the tenor of land reform. The State Agricultural Land Information System (SALIS) which is now being implemented has the following objectives:

(a) To compile a full inventory of all State lands leased for agricultural purposes.

(b) To survey the level of utilization of all such lands;

(c) To verify the level of compliance with the terms and conditions of tenancy agreements;

(d) To create an automated information system for land management purposes.

SALIS therefore, enables the Ministry to manage efficiently the utilization of State lands and also directs attention to underutilized and abandoned State lands. Under the system, by the end of 1998, information had been recorded on the location, tenure status, rental status, utilization levels, land use, water resources, and soil type of State lands. This database facilitates proper land use planning.

185. Various measures exist to inform people about nutrition. In the Ministry of Health this is achieved mainly through the Nutrition and Metabolism Department. Food demonstrators from this department visit health centres on a daily basis to provide information on nutrition, as well as to demonstrate food preparation. Information leaflets are also made available to the general

public and nutrition counselling is provided once a week. Information on infant nutrition is generally provided through baby friendly clinics, and supportive organizations such as The Informative Breastfeeding Service and the Breastfeeding Association of Trinidad and Tobago. Nutrition is also taught in secondary schools where it is compulsory for forms 1 and 2 and optional in forms 3 and 5. Teachers are generally well informed through training programmes and seminars. They are also kept up to date through the Home Economics Association and its Caribbean counterpart, the Caribbean Food and Nutrition Institute. Information on nutrition is also provided through the media and other supportive organizations and individuals. This information is generally available to all groups in society.

186. While the right to adequate housing is not provided for in the Constitution, the realization of this right is provided through the Housing Act, Chapter 33:01. The functions of this Act include revising, consolidating and extending the laws related to the encouragement of construction of dwelling houses and home ownership. Section 3 establishes the National Housing Authority, the policy and duties of which are outlined in S.8 and S.9 of this Act as follows:

> "(8) The Authority shall be responsible for the execution and carrying out of the policy of the Government in relation to housing, and in the exercise of its functions, powers and duties is subject to any directions given to it by the Minister.
>
> (9) The Authority may cause investigations to be made into housing conditions and the adequacy of existing housing accommodation in Trinidad and Tobago or in any part thereof and may cause steps to be taken for the distribution of information leading to the construction or provision of more adequate and improved housing accommodation and the understanding and adoption of community plans in Trinidad and Tobago."

187. Part IV of the Housing Act, Chapter 33:01 provides for soft loans. A "soft loan" is defined in S.35 as a loan or an advance of money made by the National Housing Authority through an approved agent to a low income family for the purpose of constructing a house or for completing the purchase of freehold land. Under S.2 of this Act, "a family of low income" is defined as a family that receives a total family income that is, in the opinion of the Authority, insufficient to permit it to rent housing accommodation adequate for its needs at the current rental market in the area in which the family lives.

188. Part VI of the Housing Act, Chapter 33:01 provides for Low-Rental Housing Projects, which are defined in S.2 of the Act as housing projects undertaken to provide decent, safe and sanitary housing accommodation complying with standards approved by the National Housing Authority, to be leased to families of low income or to such other persons as the Authority, under agreement with the owner, designates, having regard to the existence of a condition of shortage, overcrowding or congestion of housing.

189. Part VII of the Housing Act, Chapter 33:01 provides for home improvement loans. These are defined in S.52 as loans or purchase obligations representing loans or advances of money made by a bank or approved credit agency for the purpose of financing repairs, alterations and additions to, and modernization of a home.

190. There is a Ministry of Housing and Settlements in the Government of Trinidad and Tobago, which is responsible for the implementation of the Government's mandate for the housing and settlements sector by facilitating the development of viable settlements with acceptable and affordable shelter for all citizens. The Ministry's policy objectives on housing and settlements include the following:

(a) To facilitate the provision of shelter;

(b) To increase the housing stock;

(c) To improve physical living conditions;

(d) To invest in physical infrastructure in an effort to stimulate housing production;

(e) To generate employment;

(f) To ensure equitable national development by addressing historical imbalances;

(g) To enhance the cultural value system;

(h) To educate and train citizens in alternative and appropriate housing technologies.

191. In the concluding paragraph of a self-titled booklet that was put out by the Ministry of Housing and Settlements in 1998, the Ministry stated the following:

> "The Government of Trinidad and Tobago accepts that the enjoyment of housing is a fundamental human right and consequently the Ministry of Housing and Settlements has designed its housing and settlements policies and programmes in accordance with the needs of the citizens of Trinidad and Tobago, particularly the low-income segment of the population."

192. The Ministry of Housing and Settlements has three executing agencies for the implementation of its Settlements Programme:

(a) The Project Execution Unit (PEU), which was established to administer the Inter-American Development Bank segment of the settlements programme, including sites and services, financing and technical services for shelter construction, the provision of community facilities and the regularization of squatters and infrastructure upgrading at selected sites;

(b) The National Housing Authority (NHA), which was set up to assist in the provision of shelter for the low-income segment of the population;

(c) The Sugar Industry Labour Welfare Committee (SILWC), which complements the settlements programme by assisting sugar workers, cane farmers and workers employed in the Caroni (1975) Ltd. Diversification Programme in the provision of shelter.

193. The SILWC is a statutory body established by an Act of Parliament in 1948 to address the housing needs of low-income sugar workers and cane farmers. In 1996, the relevant Regulation in the Act was amended so that those workers employed on the Diversification Programme of Caroni (1975) Limited could also source loans and apply to the Committee for building lots.

194. The NHA was established on 7 August 1962 by Act No. 3 of 1962 (Chapter 33:01). In accordance with the Act, the Authority provides housing solutions, including mortgage units, serviced lots, squatter regularization and technical assistance for the construction of homes. In its provision of shelter for citizens of Trinidad and Tobago, the Authority provides a range of services to the public. One of these is to provide basic housing accommodation. To be eligible to receive this service, the applicant must be:

(a) A citizen or a legal resident of Trinidad and Tobago;

(b) Eighteen years of age or older;

(c) Neither owner nor part owner of a house or land;

(d) In possession of an Inland Revenue Tax File Number; and

(e) A low-income earner with income not exceeding TT$ 3,632 per month.

Currently, the National Housing Authority has a rental housing stock of 5,470 units located throughout the country.

195. The total existing housing stock in Trinidad and Tobago is approximately 295,000 units. This figure has grown from 231,436 units in 1980, to 271,840 units in 1990 (which was the last year of available census data), and is expected to grow to 318,600 units by the year 2000 (which is the next census year). This figure is based on an annual average growth rate 1.6 per cent over the period 1980 to 1990. During the period 1991 to 1995, the State sector provided for 631 new single units and 99 new apartment units at a cost of TT$ 55.6 million and TT$ 24.3 million, respectively. In the past two years, the Ministry of Housing and Settlements has delivered 4,286 serviced lots and 980 housing units.

196. In 1990, the average number of persons in a household was 4.09. According to the 1990 census Households and Housing Report, a household is defined as a place where one or more persons live together and share at least one main meal together. The head of household was defined as the person, male or female, who carries out the main responsibilities in the affairs of the household. The number of male-headed households was 197,745, compared to 77,101 female-headed households. The population in male-headed households was 828,699 with an average household size of 4.19, while the population in female-headed households was 296,429 with a household size of 3.84.

Number of persons per household

1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons	9+ persons
38 044	39 362	42 331	49 856	40 425	27 525	15 507	9 153	12 643

197. The 1990 census report defined a dwelling unit as any building or separate and independent part of a building, in which a person or group of persons (private household) are living. A "rent-free" dwelling was defined as a household where its members do not pay rent for the occupancy of the dwelling or land. Finally, a squatted dwelling was defined as a dwelling where the household is found occupying an area without permission of the owner or any legal rights to the dwelling or land. The following is statistical information on housing and settlements collected during the 1990 census:

Dwelling unit by type of tenancy		Major dwellings	
All types	271 871	Separate	209 575
Owned	201 930	Flat/Apartment	45 251
Rented - Private	36 040	Town house	4 559
Rented - Government	6 821	Double House/Duplex	4 016
Leased	1 247	Part of Commercial/Industrial Building	6 202
Rent-free	22 088	Barracks	627
Squatted	1 289	Out-room	287
Other	986	Other	759
Not stated	1 470	Not stated	595

198. Households by size of household and number of rooms in dwelling unit: 1990

Hshld. size	Number of Rooms									
	Total	1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8+ Rooms	Unknown
1 person	274 846	10 729	35 691	84 084	82 677	33 279	14 691	6 580	5 639	1 476
2 persons	38 044	4 760	10 701	12 009	6 843	2 020	745	268	268	430
3 persons	42 331	1 482	5 873	13 905	12 551	4 659	2 030	877	736	218
4 persons	49 856	1 269	5 707	15 996	15 561	6 137	2 693	1 274	1 017	202
5 persons	40 425	773	3 456	12 195	13 627	5 614	2 482	1 138	991	149
6 persons	27 525	442	1 870	7 491	10 006	4 217	1 791	841	759	108
7 persons	15 507	198	888	4 045	5 696	2 514	1 152	524	436	54
8 persons	9 153	96	420	2 249	3 338	1 622	766	339	287	36
9 persons	5 194	43	227	1 062	1 915	1 007	496	228	193	23
10 persons	3 087	20	100	588	1 092	613	341	162	159	12
11 persons	1 751	14	51	292	599	371	202	127	89	6
12 persons	1 058	7	18	167	354	237	142	61	68	4
13+ persons	1 553	4	24	196	457	320	255	113	177	7

199. The following are 1990 statistics on the water supply system to the dwelling unit, as well as of toilet facilities in dwellings:

Source of water supply in dwellings

Public Source - piped into dwelling unit	149 570
Public Source - piped into the yard of dwelling unit	32 925
Private Source - piped into dwelling unit	11 509
Private Source - not piped into dwelling unit	14 012
Source is a Public Stand Pipe i.e. in the street	40 881
Truck-Borne Source – stored in drums/barrels	11 628
Spring/River Source	4 222
Other	5 788
Not Stated	1 336

Toilet facilities in dwellings

Pit or Latrine	112 318
Flush Water Closet Linked to Sewer	59 689
Water Borne not Linked to Sewer	97 147
Other	186
None	1 190
Not Stated	1 341

200. According to 1990 statistics, 245,329 households had the use of electricity; 121,298 households owned or had the use of a telephone; 218,710 households owned or had the use of a refrigerator; 218,646 households owned or had the use of a television; 258,129 households owned or had the use of a gas or electric stove; and 37,286 households owned or had the use of an electric water heater.

201. Trinidad and Tobago has established a new national housing policy, which recognizes that housing and viable settlements are critical to progressive social and economic development. The Government has committed itself to establishing viable housing settlements and to distribute, develop and make land available at affordable prices to persons to build their homes. It is also committed to giving security of tenure to squatters on State lands and to those on lands belonging to State enterprises.

202. Consistent with this policy, the Government implemented the State Land (Regularization of Tenure) Act, Act No. 25, in 1998. This Act protects certain squatters from ejectment from State land. Further, it facilitates the acquisition of leasehold titles by both squatters and tenants in designated areas, and it provides for the establishment of land settlement areas. Section 2 of this Act defines a squatter as "a person who is in actual occupation of State Land without probable claim or pretence of title". This Act also establishes the Land Settlement Agency, which is responsible for administering and carrying out of the provisions of this Act with respect to State land in Trinidad. In respect of Tobago, the Tobago House of Assembly is the responsible agency.

203. In 1998, the Ministry of Housing and Settlements developed and implemented, through its Project Execution Unit (PEU), the Sugar Industry Labour Welfare Committee, and the National Housing Authority developed and implemented a number of initiatives to assist low-income persons who are seeking shelter.

Initiative	Project execution unit	Sugar industry Labour Welfare Committee	National housing authority
Subsidies	Subsidy of about $11,000 on a lot of 5,000 square feet, where beneficiaries are entitled to a 15% subsidy of the total cost of the shelter option	A 50% subsidy is granted to households whose annual per capita income is less than $11,602 Those between $14,504 and $18,854 are entitled to a 45% and 40% subsidy, respectively	Serviced lots are sold to beneficiaries at prices not exceeding $5 per sq. ft. Rents and rental mortgages are also subsidized to accommodate lower income citizens
Mortgage Financing	Loans to beneficiaries for shelter construction are exempted from finance charges, if the loan is drawn within 12 months of the first advance	5% interest rate for building houses Loans given to seasonal workers are repayable only during the period of work	Nil
Technical Advice/ Assistance	Free technical advice is provided to beneficiaries during the construction phase	Technical advice is free during the construction phase	Assessment of the need for technical assistance is being undertaken
Other	Legal costs are waived Agreement for a lease is free of charge House plans are sold at reduced cost	Nil	Steps have been taken to devise, test and develop a method for means testing to ensure fair distribution of apartment stocks and other products to most effectively serve those with the greatest need

204. In the 1998/1999 fiscal year, the Government allocated TT$ 81.4 million to the Ministry of Housing and Settlements to continue activities in urban development/redevelopment, physical planning and development of affordable shelter options. That year, the Inter-American Development Bank (IDB) programme received TT$ 34 million, the NHA received TT$ 19.3 million, and the SILWC received TT$ 5.3 million. Under the IDB programme, 483 houses were built and eight sites throughout the country were fully serviced. Under programmes undertaken by the NHA, 112 apartments had neared completion and 64 houses were

completed to accommodate residents to be relocated from a lead-contaminated site. Initiatives were also taken to improve public health in developments managed by the NHA. Further, work on the rehabilitation and maintenance of approximately 14 sewer treatment plants was carried out, and a new plant was constructed and commissioned.

205. Projects to be implemented within the housing and settlements sector have been allocated TT$ 75.9 million for the 1999/2000 fiscal year. This provision will be utilized for the implementation of initiatives geared towards the provision of shelter, the development of sites, the supply of services and the regularization of squatters throughout the country. Among other initiatives planned, the Government intends to upgrade sewerage disposal systems, continue the ongoing construction of 200 houses, with a start-up of construction of approximately 300 additional homes, refurbish electrical installations in approximately 200 apartments in Port of Spain, develop 100 units for residents, and develop approximately 141 lots.

206. In October of 1999, a Status Report on Trinidad and Tobago's Plan of Action in Respect of the Latin American and Caribbean Regional Plan of Action on Human Settlements for the Regional Meeting of Ministers and High-level Authorities of the Housing and Urban Development Sector in Latin America and the Caribbean (MINURVI III) in Havana was compiled. This report identified areas of critical concern and examined ways in which Trinidad and Tobago was addressing them. These are summarized in the following:

(a) Achieving social equity and alleviating urban poverty:

"(i) Trinidad and Tobago has been divided into 13 growth centres and preliminary designs are being developed for a complete road network throughout the country, linking these areas. This strategy is aimed at identifying areas for agriculture, industry, commerce, housing, recreation and utilities. The objective is to reduce the rural-urban drift (which augments the number of poor, depressed urban communities) by providing for the growth of well-integrated and sustainable urban centres throughout the country, with increased opportunities for commerce and employment.

(ii) The Approved Mortgage Companies Programme (AMPC) was established in July 1989 for the purpose of improving access to shelter financing by low and middle income earners.

(iii) In 1998, a $300 million Housing Fund was created to fund housing for low-income earners.

(iv) The Government of Trinidad and Tobago is currently pursuing the establishment of a Mortgage Indemnification Fund for Trinidad and Tobago with all stakeholders inclusive of those under the Approved Mortgage Companies and the Home Mortgage Bank (HMB). The HMB has advised that such a fund will lead to increasing housing 'starts' and access to home ownership to a greater number of citizens, to a downward pressure on private interest rates, and to the enhancement in the quality of the underlying mortgage instruments for possible securitization.

(v) Between 1996 and 1999, a total of 2,817 houses and apartments were constructed.

(vi) The Land Settlement Agency has undertaken infrastructure upgrade and regularization of over 7,000 families on 28 sites.

(vii) Community facilities are multi-purpose centres which cater for social, cultural and economic activities. Two have already been constructed on two sites, and three others are being targeted for completion in 1999/2000.

(viii) The Ministry of Housing and Settlements is putting in place mechanisms to sell its rental units to existing tenants at current valuation.

(ix) The National Housing Authority has initiated a Re-Development Pilot Project aimed at improving the living conditions of the community of East Port of Spain.

(x) Efforts to alleviate poverty include: the development of a range of housing options and the preparation of house plans at reduced cost to meet low-income earners; offering beneficiaries of the housing programmes not only low interest loans, but also exemption from bridging finance charges; and the provision of free technical advice to beneficiaries during construction of their houses.";

(b) The productivity of human settlements for improving the quality of life: "The Land Bank Unit of the Ministry of Housing and Settlements has developed a national database on State land, which assists in the identification of land for suitable, accessible and sustainable settlements.";

(c) Improving the environment in human settlements:

"(i) The Environmental Management Authority has been very active in enforcing environmental standards, especially in the industrial and transport sectors.

(ii) In Trinidad and Tobago there is no formal National Building Code at present. Engineered buildings are usually designed to meet American and British standards, while small buildings construction (non-engineered) are regulated by the Public Health Ordinance, Chapter 12 No. 4 of 150 and the Municipal Corporations Act No. 21 of 1990 (Building Regulations). Building inspectors review new permit applications, monitor construction and institute enforcement action. The National Emergency Management Agency is currently pursuing initiatives for strengthening the institutional capacity for preparation, response, recovery and mitigation against disasters; improving upon public awareness of risk, hazard response and mitigation measures; detailing the hazard and risk assessment to natural man-made events in

Trinidad and Tobago; strengthening community response to disasters; promoting disaster mitigation planning by all agencies; development of a National Building Code for small buildings and producing a technical manual for retrofitting non-engineered buildings (residential–small commercial).";

(d) Governability and participation:

"(i) The Government is actively pursuing the physical development of the entire country, with specific emphasis on the establishment of urban-type growth centres in rural, underdeveloped areas. In this regard, three conceptual plans have been completed, draft reports are being completed for three areas, concept plans are in progress for eight areas, and a project formulation study for the entire west coast of Trinidad is completed and work is ongoing with respect to the preparation of a Land Reclamation Line and Policy and Coastal Structures.

(ii) In respect of citizens participation towards community improvement, the National Commission for Self Help (which was established under the Ministry of Social and Community Development) has facilitated over 750 projects between 1996 and 1998. These range from physical infrastructure in respect of water, roads and electricity, to social infrastructure such as places of worship, community and cultural buildings.";

(e) Policy and management efficiency:

"(i) With respect to human settlement indicators, the Ministry of Housing and Settlements is in the process of assessing data, with a view to optimizing the planning, implementation and evaluation of human settlements in Trinidad and Tobago.

(ii) With respect to technical cooperation among Caribbean countries, the Government of Trinidad and Tobago has received requests for assistance to the Governments of Guyana and Antigua. The specifics of the technical cooperation agreement are to be worked out, so as to facilitate implementation.

(iii) The Government of Trinidad and Tobago is seeking to enact the Planning and Development of Land Bill, 1998 which will enable the effectual physical development of the country. In respect of the reorganization of Government Agencies to effect relevant legislation, it should be noted that in June 1988, the Ministry of Housing and Settlements' portfolio was enlarged to include the physical development of the country. A strategic plan for the Ministry including its several agencies is currently being financed with inputs from all levels of the Ministry."

207. Despite the many past and present policy measures and strategic initiatives, the Housing and Settlements sector of the Government continues to face several challenges. The incidence of homelessness and dispossession continues to be unacceptably high and constitutes a major crisis. Some of these key challenges which need to be addressed by the Government include:

(a) The growing demand for affordable homes far outweighs the supply. Studies conducted in 1996 reveal that approximately 115,000 homes would be required between the period 1996 to 2005. Of this amount, low-income earners would require approximately 50,000 units;

(b) The major problem facing low-income households in Trinidad and Tobago is their inability to afford housing produced in compliance with existing infrastructure and housing standards set by regulatory agencies. Unrealistically high standards have led to diminished levels of affordability among the target group. The ratio of housing prices to income is used as a measure of affordability. In the urban areas in Trinidad and Tobago the ratio is approximately 9:4. The high ratio indicates that the households would have to save over several years to accumulate the down payment of 10 to 20 per cent on a unit to qualify for financing. For low-income groups, savings would have to be over a 20-year period. Consequently, the majority of the formal sector housing units on the market are unaffordable to the majority of the population. This segment of the population, therefore, must rely on subsidized government housing programmes or on squatting to fulfil their needs;

(c) The continuing annual reduction of financial resources by the State to the Housing and Settlements sector has consistently reduced allocation for land development, housing construction, mortgage financing, and even for the maintenance of the existing State-owned rental housing stock. This has led to significant dilapidation of the housing stock;

(d) The provision of adequate shelter for all citizens cannot be achieved by attempting to provide housing to the standards stipulated by regulatory agencies, since the level of investment required is not sustainable on a permanent basis. The result has been an increase in the incidence of homelessness. Further, the failure to adequately address the needs of the low-income sector has resulted in continued squatting, unauthorized subdivisions, and unplanned settlements;

(e) The enforcement of strict and inordinately high building and development codes, while being necessary for natural disasters, has resulted in increased construction costs. In order to avoid these high costs, many houses have been constructed without all the required statutory approvals. Further, the approval process is a very lengthy one, which often frustrates the development process;

(f) Significantly high proportions of the resources that are required for housing construction (i.e. machinery, equipment, and materials) are imported. As such, the housing sector is intensely vulnerable to international fluctuations in supplies and currency fluctuations.

208. Currently, except for the national census, which is only conducted once every 10 years, there is no other mechanism in place to monitor the housing situation.

209. There is a Landlord and Tenant Act, Act No. 19 of 1981 in Trinidad and Tobago, which makes legal provisions to govern the relationship between a landlord and a tenant. Part III of this Act specifies obligations of the landlord and those of the tenant. In regard to adequate housing, this Part provides for the quiet enjoyment of the demised premises, for the landlord's overriding obligation to keep the premises reasonably fit for human habitation during the tenancy, to keep in repair the structure and exterior of the premises, to keep in repair and in proper working order the installations in the premises for the supply of water and electricity, and to keep in good order and condition any part of the building or curtilage which the tenant is entitled to use (these parts must be well lit, safe to use, and be able to adequately perform their function). Section 21 of this Act provides that a landlord can interfere with a tenant's privacy only when it is necessary for the landlord to carry out his or her obligation to perform works of repair, improvement or alteration of the demised premises. However, this interference must occur at a reasonable time and upon reasonable notice.

210. The right to a person's privacy and family is enshrined in S.4 (c) of the Constitution which provides as follows:

> "It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely:
>
> "(c) the right of the individual to respect for his private and family life."

211. There are four hostels, which operate under the Salvation Army. The Men's Hostel has the capacity for 50 men who are of low-income or who are on pensions. There is no time restriction on the length of stay, but they must pay TTS 60 per week to continue their residence. At this hostel, the men are given a room with a small kitchen, and are given access to shower facilities. Counselling is provided but it is optional. Food and clothing, however, are not provided. The Working Lads Hostel has the capacity for 33 men who are between the ages of 18 years and 35 years. The men are given a room with one bed, table, dresser and chair. They also have access to shower facilities. The cost of this is TTS 80 per week. However, they are not provided with food or clothing. The Geddes Grant Women's Hostel has the capacity for 36 women who are only entitled to stay at the hostel for four years. They are provided with a room and have access to shower facilities. The cost of this is TTS 200 per month. Once again, food and clothing are not provided. Finally, the Josephine Shaw Girls' Hostel has a capacity for 100 women between the ages of 18 and 35 years. They are given a room, have access to shower facilities and can stay as long as they wish, but they must engage in what is referred to as community living. This involves sharing a bathroom with everyone on the same floor and fund-raising for food and clothing, since they are not provided. The cost of this is TTS 50 to TTS 80 per week, depending on whether the room is double or single occupancy.

212. There is a Socially Displaced Persons Bill, 1999, which has been drafted and recently laid before Parliament. This bill seeks to address problems that are associated with the significant increase in the population of socially displaced persons. It makes provision for the following:

(a) The voluntary and involuntary admission of socially displaced persons into assessment centres;

(b) The establishment and control of assessment and care centres so as to make special care available to residents of these centres, including medical or psychiatric care, after assessment and evaluation;

(c) The detoxification and rehabilitation of substance abusers;

(d) The discharge of socially displaced persons from the care centres into the care of relatives or friends who can give a serious undertaking to support and care for these individuals.

This bill is aimed primarily at providing a legislative framework to deal with persons who are socially displaced. In S.3 of this bill, a "socially displaced person" is defined as:

> "Any idle person habitually found in a public place whether or not he is begging and who by reason of illness or otherwise is unable to maintain himself, has no means of subsistence or place of residence, is unable to give a satisfactory account of himself and causes or is likely to cause annoyance to persons frequenting that public place, or otherwise to create a nuisance."

Additionally, this bill focuses on relocation, assessment, treatment, and rehabilitation of socially displaced persons, and to some extent moves away from the concept of penal sanctions. The ultimate aim of the proposed legislation is to provide, where possible, for the eventual reintegration of these persons into the mainstream of society.

213. The Socially Displaced Persons Bill, 1999 also seeks to establish a Social Displacement Unit, which will be responsible for the care, relocation and rehabilitation of socially displaced persons. Section 7 will establish a Social Displacement Fund for the purpose of receiving monetary contributions from corporate and other citizens for the funding of projects related to social displacement.

214. In the past, shelters were established by non-governmental organizations with assistance from the Government through grants of subvention and capital expenditure. Those shelters provided accommodation, clothing, meals, training and employment opportunities. More recently, the Ministry of Social and Community Development, under the Social Displacement thrust, has sought to offer programmes geared towards the reintegration of the homeless back into society. While this thrust seeks to help these persons along the path towards independent living, including employment, housing is not a focus of this initiative.

215. REHAB Credit Union Cooperative Society Ltd., is a credit union which was established and exists strictly for the benefit of persons with disabilities. It has approximately 300 members and provides disabled persons with soft loans for such things as buying a home, starting a business, or renovating a home to make it more accessible. This initiative receives no funding from the Government.

216. There is no legislation in Trinidad and Tobago that provides for access to buildings or services by disabled persons. Further, there is no legislation that explicitly protects the rights of disabled persons. There is, unfortunately, a lack of access to transportation, buildings and pavements, which are generally in bad condition with holes and cracks. This creates a large obstacle for disabled persons in terms of their freedom of movement within the society. The Government has allocated TT$ 260.2 million for the implementation of projects in the roads and bridges sector for the 1999/2000 fiscal year. The proposed programme of works will support the construction of road segments under the Southern Roads Development Programme and the Charlotteville-L'Anse Fourmi road project, as well as maintenance and rehabilitation initiatives under the National Highways Programme and the Local Roads and Bridges Programme, which is administered by regional corporations and the Ministry of Local Government.

217. In Trinidad and Tobago, the provision of accommodation and quality care for senior citizens or older persons has long been neglected. The mechanisms for dealing with licensing, control and regulation of homes for the elderly and for the establishment of standards of care are at present inadequate. Older persons have for a long time been receiving insufficient attention resulting, to a large extent, in the provision of substandard care facilities. The Homes for Older Persons Bill, 1999 is the most recent initiative being undertaken to address the need for legislation to deal with these issues. This bill will establish the Older Persons Care Board, whose main responsibility will be to act as an advisory body to the Minister of Social and Community Development on matters relating to the administration of this bill. Section 5 establishes a classification system with respect to homes for older persons, which acknowledges the requirement for different levels of care to be provided for each class of home. The homes are classified into the following:

(a) Intermediate Care Facility: any premises which are utilized by its owner, operator, or manager to provide 24-hour accommodation, board, personal care, and basic health and nursing care services under the daily supervision of a licensed nurse and under the direction of a licensed physician to three or more older persons resident in that facility and dependent for their care and supervision and who are not related within a fourth degree of consanguinity or affinity to the owner, operator or manager of the facility;

(b) Residential Care Facility: any premises which are utilized by its owner, operator or manager to provide 24-hour care to three or more older persons, who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility, and who need or are provided with shelter, board, and with protective oversight, which may include storage and distribution or administration of medications and care during short-term illness or recuperation;

(c) Skilled Nursing Facility: any premises which are utilized by its owner, operator or manager to provide for 24-hour accommodation, board and skilled nursing care and treatment services to at least three older persons who are not related within the fourth degree of consanguinity or affinity to the owner, operator or manager of the facility. Skilled nursing care and treatment services are those services commonly performed by or under the supervision of a registered professional nurse for individuals requiring 24-hour-a-day care by licensed nursing

personnel including acts of observation, care and counsel of the aged, ill, injured or infirm, the administration of medications and treatment prescribed by a licensed physician or dentist, and other nursing functions requiring substantial specialized judgement and skill.

This bill also provides for the licensing and administration of homes for older persons.

218. In commemoration of the International Year of Older Persons, the Ministry of Social and Community Development has implemented several activities to assist in securing social integration of the elderly within Trinidad and Tobago, and in promoting awareness in this regard. These include:

(a) The publication of several articles in the print media containing pertinent information with respect to the elderly;

(b) The printing of bumper stickers;

(c) The launch of a public awareness week with respect to the elderly, during which the Prime Minister and the President, along with members of the public, participated in a marathon for the cause; and

(d) The production of a jingle, theme song and music video for the cause.

219. The Ministry of Social and Community Development is also in the process of implementing the Adopt a Home/Adopt an Elderly Programme, which is an initiative aimed at advocating an age-oriented society. Under this initiative, students, as well as members of the Police Youth Clubs in Trinidad and Tobago, aim to develop caring relationships with older persons.

220. The Ministry of Social and Community Development has published two pamphlets entitled "The Psychological Effects of Aging" and "Financial Advice to Older Persons" for the dissemination of information and communication to the public. Further, the Ministry has produced a booklet on the services made available under the Social Welfare Division, which gives detailed information on the entitlement of pensioners. This information is readily available at 13 local boards of the Social Welfare Division. In conjunction with the Trinidad and Tobago Association for Retired Persons, the Ministry has established the Senior Citizens Bureau, which serves as a skill bank for older persons, to allow them to continue making a viable contribution to society. The Community Development Division of the Ministry also provides for access to adult education, cultural activities and the use of leisure time, through various programmes at the community level.

221. With regard to the interception of communications by the State, by virtue of the reception of law, the pre-1985 United Kingdom position which obtained prior to the implementation of the UK Interception of Communications Act, 1985, applies in this jurisdiction. The power has its origin in the exercise of the prerogative power by the Crown and is not expressly conferred by statute. The power is a power to intercept, examine and disclose for certain purposes connected with the safety of the State or the preservation of public order, any messages carried by the Crown. This prerogative attached to the new methods of carrying messages that were

undertaken by the Crown in the nineteenth century by means of the telegraph and the telephone. In Trinidad and Tobago this power is exercised by the Minister responsible for national security, who may issue a warrant authorizing the interception of communications. In each case the Minister must satisfy himself that on the facts it is a proper case for the issue of a warrant. In practice communications are intercepted only for the purposes of detecting serious crime or for safeguarding the security of the State. A person who acts in obedience to a warrant of the Minister commits no offence. The Minister's discretion is absolute and he may issue a warrant for the interception of communication, to any person, authority, agency or department of State. Although none of the reforms of the 1985 United Kingdom Act have been introduced in this jurisdiction, the Ministry of the Attorney General and Legal Affairs is currently reviewing the law with regard to the interception of communications with a view to putting it into statutory form and ensuring safeguards against abuse.

222. With respect to the interception of mail, a new Postal Corporation Act, 1999 is now in effect. Section 47 of the Act provides that any person who without reasonable cause or excuse, opens or causes to be opened any postal article which is not addressed to that person, commits an offence and is liable on summary conviction to a fine of TT$ 5,000 or imprisonment for six months. Section 46 makes it obligatory for a person who comes into possession of a postal article not addressed to him or her to return it to the Trinidad and Tobago Post for delivery. A person who fails to comply is guilty of an offence and is liable to a fine of TT$ 5,000. Section 48 provides that an employee or agent of the postal company who divulges to any person any information from, or as to the contents of, a postal article that comes to his knowledge in the course of duty, commits an offence and is liable on summary conviction to a fine of TT$ 10,000 or to imprisonment for 12 months.

Article 12

223. The right to health is recognized through the Public Health Ordinance of 1917, as amended. This Ordinance provides, inter alia for:

(a) The upkeep of streets;

(b) The construction of buildings according to their respective regulations;

(c) The Local Authority to provide scavenging and cleansing, including the disposal of refuse;

(d) The prohibition of nuisances deemed harmful or deemed as a threat to health;

(e) The maintenance of standards in the sale of milk;

(f) The inspection and destruction of unsound food intended for human consumption;

(g) The prohibition of the pollution of water supplies;

(h) The upkeep of sufficiently safe water supplies in all public buildings;

(i) The dealing with infectious diseases;

(j) The upkeep of conditions when operating bakehouses (which are defined as any place in which are commonly baked, or exposed or offered for sale, or deposited for the purpose of sale or of preparation for sale or have been recently sold for human consumption, bread, biscuits, cakes, or confectionery, in the baking or selling of which a trade is carried on);

(k) The healthy operation of hotels, restaurants, shops where food is sold by retail and hucksters, factories, workshops, barbers' and similar shops, slaughter houses; and

(l) The maintenance of conditions in the sale of fresh meat in proclaimed areas.

224. The Regional Health Authorities Act, No. 5 of 1994 is an Act that provides for the establishment of regional health authorities whose powers and functions are set out in S.6 as follows:

"(a) to provide efficient systems for the delivery of health care;

(b) to collaborate with the University of the West Indies and any other recognized institution, in the education and training of persons and in research in medicine, nursing, dentistry, pharmacy and bio-medical and health science fields, veterinary medicine as well as any related ancillary and supportive fields;

(c) to collaborate with and advise municipalities on matters of public health;

(d) to operate, construct, equip, furnish, maintain, manage, secure and repair all its property;

(e) to facilitate new systems of health care;

(f) to provide for the use of health care facilities for service, teaching and research;

(g) to establish and develop relationships with national, regional and international bodies engaged in similar or ancillary pursuits; and

(h) to do all such things as are incidental or conducive to the attainment of the objects of the Authority."

Health care as defined by this Act includes dental care and optical care.

225. The Regional Health Authorities Act, No. 5 of 1994 in its First Schedule establishes several regional health authorities, and assigns to them municipalities for which they must provide health care. The Third Schedule under this Act demonstrates the type and the number of health care facilities that are placed, as a result of this Act, under the various regional health authorities. These are summarised as follows:

Regional health authority	No. of municipalities responsible for	No. of health centres	No. of hospitals	No. of hospital and health centres	No. of extended care units	Other
North-West	3	18	2	-	-	-
Central	4	20	1	2	-	1
South-West	5	31	1	1	1	-
Eastern	2	16	2	-	1	-
Tobago	Island of Tobago	16	1	-	-	-

226. There is a Mental Health Act, Chapter 28:02 that regulates the admission, care and treatment of persons who are mentally ill. Under S.2 (1) of this Act, a "mentally ill person" is a person who is suffering from such a disorder of mind that he or she requires care, supervision, treatment and control, or any of them, for his or her own protection or welfare or for the protection or welfare of others. Part II of this Act establishes the Psychiatric Hospital Tribunal whose functions are indicated in S.18 (1) as follows:

> "(a) To review not less than once a year the case of each medically recommended patient who has been hospitalized for more than one year;
>
> (b) To review every six months the case of a patient who has been hospitalised for more than six months pursuant to an order of the court or an order of the Minister of National Security;
>
> (c) To inspect at least once annually each psychiatric hospital, psychiatric ward or approved home."

Within one month of the exercise of its function, the Tribunal must submit a report or recommendations that it may consider necessary or desirable, to the Minister of Health.

227. Part III of the Mental Health Act, Chapter 28:02 establishes the Mental Health Review Tribunal which is responsible for reviewing applications for discharge of a patient who is institutionalized at a hospital, a psychiatric ward, an approved home or a private hospital. According to S.23 (3), when the Review Tribunal considers such applications, it must determine whether or not the patient is mentally ill, whether or not he or she is in need of further care and treatment, or whether or not he or she is dangerous to himself or herself, or others. If it is determined that the patient is no longer mentally ill, or no longer requires further care and treatment in a medical institution, a discharge shall be granted.

228. Part VIII of the Mental Health Act, Chapter 28:02 provides that it is an offence to ill-treat or wilfully neglect a person suffering from a mental disorder; to have sexual intercourse with patients receiving treatment, or with a person who is suffering from a mental disorder; to assist a patient to escape; and to obstruct persons in the execution of their duties under this Act. Any person that is guilty of any of these offences is liable to a fine of TT$ 1,000 to TT$ 10,000, and to imprisonment for six months to five years.

229. Psychiatric hospital services in Trinidad and Tobago are currently divided into nine areas. Six are based in St. Ann's Hospital, and three others operate from units at the Port of Spain, San Fernando and Scarborough hospitals, providing only acute in-patient care. The St. Ann's Hospital is the largest psychiatric hospital in Trinidad and Tobago. The hospital has 27 wards in several buildings scattered over five acres of land. For the 1997/1998 financial year, the number of patients admitted to this hospital was 2,014. For the 1998/1999 period, the number was reduced to 1,795, indicating a decrease of 11 per cent. There was a decrease of 12 per cent in the number of discharges as against the corresponding year. Each in-patient had spent an average of 222 days at the institution, and the occupancy rate was 91 per cent. There were 19 recorded deaths for the period. First admissions for male patients admitted during the period indicate a decrease of 4 per cent, while there was a 14 per cent decrease for readmission of male patients for the corresponding period. First admissions for female patients indicate a 19 per cent decrease, and readmission of female patients decreased by 7 per cent. Discharges of male patients decreased by 15 per cent and female patients by 6 per cent. Children are placed in a separate ward. Psychiatrists visit the wards every day, except on the days when they visit community clinics to facilitate out-patients who have left the institution, which is approximately twice a week. Some problems experienced by the hospital include overcrowding and chronic shortages of nursing staff. An attempt has been made to address these deficiencies through the implementation of the Regional Health Authorities Act of 1994. A revised mental health plan is currently before the country's Cabinet. It takes into account global changes, and focuses on mental health promotion, prevention, treatment and rehabilitation.

230. In 1993, a prospective first-contact study in Trinidad and Tobago with respect to psychosis found incidence rates of 2.4 per 10,000 females. The incidence in the Afro-Trinidadian population was twice that in Indo-Trinidadians. No data is available on Trinidad and Tobago for neuroses.

231. In 1971, the suicide rate in Trinidad and Tobago was 7.0 per 100,000. In 1998, this rate rose to 17.0 per 100,000.

232. In 1986, substance abuse accounted for 34 per cent of the persons admitted to psychiatric institutions from a defined catchment area. (In 1975 Trinidad and Tobago was divided into five sectors or catchment areas of approximately 200,000 persons each. Each sector consisted of a team of psychiatrists, social workers, community nurses and paramedical auxiliaries). A school survey on drug use in Trinidad and Tobago which was conducted in 1985 showed that 91 per cent of the students had used alcohol, 46.7 per cent had used tobacco, and 6.9 per cent had used marijuana. Only 1 per cent had tried cocaine.

233. A multidisciplinary team provides reformative treatment in psychiatric hospital settings. Upon admittance, a psychiatrist and a social worker assess patients. There may also be an occupational assessment. Some patients are given medical tests. In addition to drug therapy, which is the major approach to treatment, a limited amount of electroconvulsive therapy (ECT), or shock therapy is given. There is a variety of supportive counselling and minimal formal psychotherapy. Links have been developed with non-governmental organizations, which offer support. When patients leave the institution, they are assigned to community clinics.

Seventy-two out-patient clinics are held each month across the country. Care of patients in the out-patient setting, is provided by a team comprised of psychiatrists, social workers and mental health officers.

234. There is a special clinic for children located at the Eric Williams Medical Sciences Complex. First established in 1975, it sees approximately 400 new referrals each year.

235. There are about 18 patients with AIDS at the St. Ann's Hospital. The general rule is that for their psychiatric problems, these patients are treated in the same manner and together with other psychiatric patients.

236. The Ministry of Health is currently formulating a draft charter of patients' rights and obligations. It is currently in the process of revision, following a series of recently concluded consultations. The rights identified in the draft charter to which each patient shall be entitled include:

(a) Impartial access to treatment or available lodging or appropriate medical and personal care based on personal needs and without reference to gender, religion, race, social class or national origin;

(b) The right to privacy with respect to his or her person and to information;

(c) Right to personal safety;

(d) Freedom from abuse;

(e) The right to obtain from those responsible for the coordination of his or her care, current information on his or her diagnosis, treatment, risks, alternatives, and prognosis;

(f) The right not to be subjected to any procedure without his or her voluntary and informed consent, or that of his or her legally authorized representative;

(g) The right to refuse treatment; and

(h) The right to manifestation of his or her cultural and/or religious expressions while admitted.

237. There is a Vaccination Ordinance in Trinidad and Tobago, Chapter 12, No. 13 that establishes district vaccinators who are responsible for vaccinating all persons who attend at the times and places so appointed for the purpose of being vaccinated, provided that such persons shall not have been previously successfully vaccinated or otherwise protected from smallpox, nor shall, in the opinion of the district vaccinator, be in a state of health unfavourable for vaccination.

238. There is a Public Health (Nursery Schools and Primary Schools Immunisation) Act, Chapter 28:03 which describes itself as an Act respecting immunization of persons seeking entry into nursery schools and primary schools against certain communicable diseases. According to S.3 (1) of this Act:

> "Notwithstanding any rule of law to the contrary, no person may be admitted into any nursery school or primary school unless he produces to the Principal thereof a certificate of immunization with respect to every communicable disease, save that where a person produces a certificate of a medical practitioner certifying that immunization against any particular communicable disease or communicable diseases is not advisable on medical grounds, no certificate of immunization is required to be produced with respect to that communicable disease or those communicable diseases, as the case may be."

This Act, together with the Vaccination Ordinance, provides for the compulsory vaccination of children in respect of all common infectious diseases.

239. Infants immunized against diphtheria, measles, poliomyelitis and tuberculosis:

Indicators	Year	Estimate %
Diphtheria	1998	91
Measles	1998	91
Poliomyelitis	1998	91
Tuberculosis	1998	nil

240. There is free health care available at hospitals in Port of Spain, San Fernando, Mount Hope and Scarborough, several district hospitals and a network of community health centres. Ante-natal care is provided in public health institutions to ensure that pregnancies will result in well, live babies. Food, iron supplementation and multivitamins are provided to pregnant women and children free of charge.

241. The national health policy in Trinidad and Tobago has adopted the World Health Organization's (WHO) primary health care approach. All regional health authorities have primary health care as their main strategy and budgetary priority. Health centres have been refurbished and plans are in place for additional facilities. Staff training in this area is ongoing.

242. In Trinidad and Tobago, the infant mortality rate for 1998 was 15.6 per 1,000 live births, and the average annual rate of population growth in 1998 was 0.6 per cent. The infant mortality rate in 1997 was 16.2 per 1,000 live births, and the average rate of population growth in 1997 was 0.9 per cent. Common childhood disorders that result in high infant mortality, such as diarrhoea, are treated efficiently and effectively at all government health institutions. Data on infant mortality is not available in respect of the urban/rural division, socio-economic status, and ethnic group.

243. Measures taken to combat stillbirth and infant mortality include the following:

(a) Ante-natal care at health centres and hospitals. This involves:

(i) The promotion of the practice, among women, of early attendance at ante-natal clinics i.e. attending clinics, within the first 12 weeks of pregnancy. Antenatal care is available at all health centres and hospitals throughout the country;

(ii) Early diagnosis and management of complications including secondary care referral;

(iii) Nutrition counselling; and

(iv) The provision of well-trained health professionals;

(b) Delivery facilities at some hospitals that involve:

(i) The use of appropriate technology i.e. neonatology units, ultra sonography, etc.;

(ii) Foetal monitoring; and

(iii) Well-trained nursing and medical staff.

244. Death rates for the 10 leading causes of death: 1996

Cause of death	1996			
	Rank	Number	Rate per 100,000	% of total deaths
Heart disease	1	2 332	184.5	24.9
Malignant neoplasms	2	1 253	99.2	13.4
Diabetes Mellitus	3	1 139	90.1	12.1
Cerebrovascular disease	4	1 019	80.6	10.9
Pneumonia, bronchitis, emphysema, asthma	5	444	35.1	4.7
Human Immunodeficiency Virus	6	396	31.3	4.2
Suicide, homicide and injury	7	357	28.3	3.8
Other diseases of the digestive system	8	326	25.8	3.5
Accidents	9	312	24.7	3.3
Causes of prenatal mortality	10	192	15.2	2.0

The rate has been calculated per 100,000 mid-year population.

The statistics above reveal that in 1996, the human immunodeficiency virus (HIV) was the cause of 4.2 per cent of total deaths. This figure shows a significant increase from 1994, where it was the cause of 2.8 per cent of deaths.

245. The entire population of Trinidad and Tobago has access to treatment with respect to facilities that are equipped with a ready supply of 20 essential drugs, and are within a one-hour walk or travel. All health centres have this drug supply, and are generally located within a five-mile radius of their respective communities.

246. There is a Family Planning Association of Trinidad and Tobago with offices located in Port of Spain, San Fernando, and Scarborough (Tobago). The Association provides, inter alia, contraceptive services, voluntary sterilization, breast examinations, infertility examinations, family life education programmes, peer counselling training, health care for corporations, gynaecological services and pregnancy tests. These services are offered to the public at reduced rates, with even further reductions for members of the public who choose to become members of the Association by paying an annual fee. Further, the Port of Spain Hospital, Mount Hope Maternity Hospital and the San Fernando General Hospital provide free pre- and post-natal clinics to the population of Trinidad and Tobago. Health centres and district health workers also provide free pre- and post-natal services.

247. In 1996, either a doctor or a midwife was present for 99 per cent of live births. Further, all infants in Trinidad and Tobago have access to proper care.

248. In the last 10 years, there have been no changes in the policies or practices in respect of health care to adversely affect the general health situation of certain groups. In fact, policies and practices are geared towards enhancing the general health situation of all groups within the population, particularly those on low incomes.

249. There are groups within the population, however, whose health situation is significantly worse than that of the majority of the population. These groups include the poor, the elderly, and those who are mentally and physically challenged. In order to improve the physical and mental health situation of vulnerable and disadvantaged groups, the Government proposes to increase support for and enforce the national health policy, which is premised upon the principles of equity, affordability and accessibility of health care, and health protection for all concerned. The Government also proposes to work with non-governmental organizations and community-based organizations to establish a community care programme, to support health care programmes and to improve service delivery. This will be achieved in part by training the relevant health personnel in various areas. The programme will also address the backlog currently existing with regard to cataract cases and prostate and urgent paediatric surgeries.

250. In order to improve the health situation, the Government is working with non-governmental organizations and providing them with financial assistance. Medical social workers, psychiatric social workers, district health visitors and related health personnel working with vulnerable and disadvantaged groups have also made a significant contribution to improvements in the health of the disadvantaged. These measures provide some relief and comfort for those concerned.

251. Measures that are being undertaken or have already been undertaken to provide for the healthy development of the child include the following:

(a) Post-natal care is provided at health centres, and at secondary and tertiary care hospitals;

(b) Ongoing immunization is being provided against childhood and other communicable diseases such as polio, mumps, measles, diphtheria, tetanus, etc. at health centres;

(c) The nutritional status of young children at health centres is being monitored and improved;

(d) Education campaigns are being conducted for parents and children on health-related matters, using the mass media, health clinics and classroom settings;

(e) Active encouragement and promotion of breast-feeding is being undertaken at the Sangre Grande Hospital through a UNICEF-sponsored baby-friendly hospital initiative;

(f) Therapeutic and custodial care of mentally challenged children are being provided, and the needs of the physically challenged child are being looked after through the granting of subventions for non-governmental organizations such as the Princess Elizabeth Home for Handicapped Children;

(g) A free school health programme which maintains a primary health focus is being provided;

(h) Counselling and information dissemination on family planning is conducted at health centre clinics.

252. Various measures have been taken to maximize community participation in various aspects of primary health care. These include town meetings where the board of the regional health authority meets annually with the community that it serves to discuss matters related to the delivery of health care within the region; district meetings which are held with the board of the regional health authority, health teams and community groups; coordinating committee meetings which are held at the local government level; special projects/programmes that involve the collaborative inputs of non-governmental organizations, community based organizations and health teams; health fairs; and community participation in hosting the observance of commemorative health days such as World Health Day, World No-Smoking Day, World AIDS Day, etc.

253. The following indicates the total primary health care expenditure as a percentage of the total health expenditure:

	1987 (TT$)	1992 (TT$)	1997 (TT$)
Primary health care expenditure	38,956,118.00	45,082,166.00	72,200,000.00
Total health expenditure	539,175,644.00	544,646,567.00	663,218,305.00
Percentage spent on primary health care	7.23	8.28	10.89

254. Measures that have already been undertaken or are currently being undertaken in respect of prevention, treatment and control of epidemic, endemic, occupational or other diseases include the following:

(a) The National Surveillance Unit and the Trinidad Public Health Laboratory are conducting epidemiological surveillance and research;

(b) New laboratory services;

(c) Information and education programmes are being conducted by the Health Education Department of the Ministry of Health;

(d) Prevention and control action plans are being implemented;

(e) Immunization.

255. Measures that have already been undertaken or are currently being undertaken in respect of ensuring that medical services and attention is available in the event of sickness, include the following:

(a) A geographically well-dispersed network of health centres and hospitals that are relatively well equipped, and staffed with trained medical and nursing personnel has been established;

(b) The access to health care is free at all health centres and hospitals, except one tertiary-level hospital;

(c) Access to free ambulance services is available at most hospitals;

(d) Drugs are dispensed free of charge to patients using the services of the public health sector.

256. With respect to the measures already taken, or currently being undertaken in regards to health, the effect has been that the general health of the population has improved. This is a result of the prevention and control of many infectious diseases, such as yellow fever, malaria, smallpox, and poliomyelitis, among others. The life expectancy of both males and females has risen over the last decade. Further, there is a greater partnership being forged with community-based and non-governmental organizations in providing health care. The difficulties

experienced in this regard have been inadequate funding of the health sector, as well as inadequate staffing. There also exist administrative and technical inefficiencies which impede the implementation of the various projects and programmes that are designed to achieve improvement in the provision and delivery of health care. Despite implemented measures, there still exist isolated cases of malnutrition in Trinidad and Tobago. Further, 1997 statistics indicate that the infant mortality rate (16.2 per cent), the maternal mortality rate (38.9 per cent), the pre-natal mortality rate (23.5 per cent), and the neo-natal mortality rate (12.2 per cent) are still relatively high. Also, short staffing in some essential areas is a chronic problem. There is a need in some areas for amended legislation, and for the introduction of new legislation in others.

257. Despite these drawbacks, positive results have been reported. The most significant is that immunization coverage of vaccine-preventable diseases has been steadily increasing:

Vaccine-preventable disease	1978 %	1997 %
Polio	45	91
Diphtheria/Pertussis/Tetanus	38	91
Measles/Mumps/Rubella	Nil	88

258. In the meantime, a health sector reform programme is under way which promises to significantly improve the delivery of health to the country. The objectives of this reform are as follows:

(a) To strengthen policy development, planning and implementation capacities within the health sector;

(b) To shift public health expenditure to services that will reduce high-priority health problems and to influence a similar shift in private sector spending;

(c) To promote life-style change and other social interventions aimed at reducing preventable morbidity and mortality;

(d) To achieve a high level of cost effectiveness in the provision of public and private services and to maximise equity in terms of quality and access;

(e) To develop a high level of public awareness of the relationship between the quality of health services and the cost of providing them.

259. Statistics for 1990-1996 indicate that 97 per cent of the population had access to safe water, and 1990 statistics reveal that 99 per cent of the population had access to adequate excreta disposal facilities.

260. Measures undertaken to improve environmental and industrial hygiene have involved the Environmental Health Division of the Ministry of Health. These measures have involved the following:

(a) The implementation of a quality surveillance programme that monitors the quality of potable and industrial water, so as to control the presence of pollutants. This is achieved through sampling and testing of water for bacteriological pollutants. This exercise is conducted in collaboration with the Water and Sewerage Authority;

(b) The implementation of a food hygiene programme to ensure food safety. This is achieved through the sampling and testing of food processed by food handlers and restaurants;

(c) The implementation of improved management of the disposal of domestic and industrial waste (this includes litter and sewerage);

(d) Increased control of vector-borne diseases such as dengue and malaria.

261. One government institution which promotes the right to health is the Environmental Management Authority (EMA), which was established by the Government by Act No. 3 of 1995. Under this Act, the functions of this Authority are, inter alia, to coordinate, facilitate and oversee the execution of a national environmental strategy; to implement written laws in relation to the conservation and wise use of the environment; to promote and encourage among all persons a better understanding of the environment; and to enhance the legal, regulatory and institutional framework for the environment. In 1997, the EMA focused on enforcing pollution control. It also prepared a comprehensive national environmental policy based on comments received during five public consultations and the Authority's own review. This policy states inter alia that the Government has accepted the responsibility to adopt policies and measures with a view to promoting human health and the quality of life. Further, human beings have the right to live in an environment of quality that permits a life of dignity and well-being. This responsibility includes the careful planning and management of natural resources of air, water, land, flora and fauna.

262. A Human Tissue Transplant Bill, No. 3 of 1999 is currently before Parliament, which makes provisions for the removal of human tissue for transplantation and blood for transfusion. Further, it seeks to provide for strict guidance and supervision in respect of such matters. This bill provides for consent to be obtained from the donor prior to the removal of blood or tissue from the body and also for the certification by medical practitioners for the removal and transplantation of tissue and blood. According to S.5 of this Bill, an adult of sound mind, after obtaining medical advice, can donate regenerative tissue of his or her body for transplantation to the body of another person or for therapeutic or scientific purposes. Further, the consent must be given in the presence of a designated officer who would certify to the compliance of the requirements under this section. Section 16 provides for an adult to donate blood for therapeutic, medical or scientific purposes. Section 21 provides for the conditions under which a designated officer may exercise the authority for the removal of tissue after death.

263. The following indicates the actual recurrent and capital expenditures in respect of health care, and as a percentage of the gross national product:

Year	Expenditure TT$ Million	GNP TT$ Million	% of GNP
1990	347.2	19 830	1.8
1999	947.8	38 619	2.5

264. In the 1998/1999 fiscal year, TT$ 87.1 million was allocated to the Ministry of Health to continue the implementation of core infrastructure and institutional elements of the IDB-funded Health Sector Reform Programme (HSRP). Further, TT$ 32.6 million were invested in reform activities to improve the delivery of health services to the population. These measures included the construction of a district health facility, a pilot project which involved the purchase of 20 ambulances, the training of 24 emergency medical technicians, and the provision of consultancy services to undertake the design of a new hospital bed.

265. For the 1999/2000 fiscal year, TT$ 156.5 million have been allocated to the HSRP of which the major focus will be the construction and upgrading of physical facilities. A sum of TT$ 35 million is allocated to the pension fund for employees of the regional health authorities, which will facilitate the transfer of manpower from the Ministry of Health to the authorities. The Pilot National Emergency Ambulance Service Programme is allocated a sum of TT$ 17.5 million for the establishment of an effective (rapid response) and efficient 24-hour/day national emergency ambulance service, including on-board paramedic service and communication hook-up to complement the rationalization of health care services. In the areas of technical assistance and training, a total of TT$ 10.7 million has been allocated for the development of management systems, information system/information technology programme development, and primary health care and quality assurance development. At the same time, an allocation of TT$ 7.5 million has been made to further the development of the communications, community care, selected centralised services and technical studies programmes. Additionally, the Ministry of the Attorney General and Legal Affairs has been provided with TT$ 9.7 million to continue the process of establishing a civil registration system, which will allocate a unique identifier to all persons who access the health care system.

266. Persons infected with the HIV/AIDS virus continue to be stigmatized in Trinidad and Tobago. Education on this issue is scarce, although information pamphlets are available to the public at no charge at numerous medical facilities. Between 1983 and 1997 there have been 2,642 reported cases, but this number does not accurately represent the actual number of persons suspected to be infected with the virus in Trinidad and Tobago. This figure is believed to be significantly higher. It is difficult to obtain accurate figures on infection because HIV/AIDS is not a notifiable disease. Medical practitioners are under no obligation to report to the Ministry of Health the number of patients that they discover to be infected with HIV/AIDS. At the end of 1997, it was estimated that the number of adults and children living with HIV/AIDS was 6,800 (this includes 2,200 women between the ages of 15 and 49 years, and 100 children under the age of 15 years).

267. There is an AIDS hotline in Trinidad and Tobago, which is available to the public for counselling and referrals from 8 a.m. to 8 p.m. It is a non-profit, anonymous organisation that is

volunteer-run, with the exception of one staff member. The volunteers receive basic counselling training upon recruitment, and then undergo intense training workshops every three months. These focus on the improvement of listening skills. There are approximately 50 registered volunteers, but they give their time on a "pop-in" basis, or provide one to two hours of their time at any given session. According to the staff, Trinidad and Tobago is not accustomed to volunteering, and so at any given time there are only approximately one to two volunteers to answer the calls. On a slow day, the hotline receives approximately 10 calls, and on a busy day it receives approximately 25 calls. The volunteer counsellors provide referrals to HIV/AIDS-friendly medical practitioners and to public medical institutions that provide care and testing. There are three facilities in Trinidad and Tobago that offer free HIV/AIDS testing and the results are confidential. The hotline requires TTS 200,000 per annum to operate its services comfortably, but has recently been operating on only TTS 62,000. The Ministry of Health has provided housing and utilities, but all other resources come from what the staff refers to as "begging letters". These are letters that are sent to households across the country, requesting financial support from the general public.

268. There are various measures that have been undertaken to prevent the spread of HIV/AIDS in Trinidad and Tobago. These include:

(a) The implementation of a prevention and control programme. This programme is managed by the National AIDS Committee, which was appointed by Cabinet in 1987. In 1989, it was reorganized to include a wide cross-section of participants to reflect the multiple impact of AIDS in society. The day-to-day management of this programme is the responsibility of the Coordinator of the National AIDS Programme. A cadre of trained professionals and non-professionals handles programme implementation through various subcommittees;

(b) Surveillance and research. Primary sources of surveillance include: the Sexually Transmitted Disease Control Programme, the National Blood Transfusion Service where all blood is tested for HIV, the Trinidad Public Health Laboratory and the Caribbean Epidemiology Centre. The Caribbean Epidemology Research Centre also conducts research with respect to HIV/AIDS;

(c) Information and education. Programmes to provide education and information to the public on the issue of HIV/AIDS are ongoing. These programmes target the general public through electronic and print media, and they target schools through lectures, posters, handbills, etc.;

(d) Patient care and support. Patient care and support is provided through hospital care, pre- and post-testing at the Queen's Park Counselling Centre and the provision of an AIDS hotline, through the care of patients in community centres, and through non-governmental support and counselling for persons living with HIV/AIDS (i.e. the Cyril Ross Nursery where care for children infected with HIV/AIDS is provided);

(e) Other measures. Other measures in this regard include ongoing training provided to health care workers, and support received from several non-governmental organizations.

269. Measures taken to ensure non-discrimination are embodied within the human rights perspective of the national health policy. It states that "all women and men, irrespective of their HIV status, have the right to determine the course of their reproductive life and health, and to have access to information and services that allow them to protect their own and their family's health". Where the welfare of children is concerned, decisions should be made that are in keeping with children's best interests. Further, a national policy that will govern HIV/AIDS in the workplace is currently being developed. Policy principles that will ensure non-discrimination are as follows:

(a) The protection of the social and legal rights of the employees with HIV/AIDS, including health and safety and the safeguard of their employment benefits;

(b) The assurance of HIV testing subject to proper control and the maintenance of confidentiality of medical information;

(c) The promotion of counselling, support and education for employees and their families so that a reasonable standard of motivation will result in satisfactory performance and productivity.

270. Measures that have been taken to provide education regarding health problems and their prevention include:

(a) Counselling provided during clinic sessions at hospitals and health centres;

(b) Health information dissemination at health fairs by means of, inter alia, videos, and printed materials;

(c) Lectures on health which are given in schools and at various forums of community-based organizations;

(d) Health information dissemination by way of the mass media;

(e) Health information dissemination through communications.

271. The Ministry of Social and Community Development provides the majority of social services available to disabled persons to assist in their independence and social integration. There are also limited specialized medical services available to disabled persons. Specialized medical care is provided at the following institutions:

(a) The Princess Elizabeth Home for Handicapped Children;

(b) DRETCHI (Diagnostic Research Educational and Therapeutic Centre for the Hearing Impaired) for persons with hearing disabilities;

(c) Orthopaedic departments at the major hospitals for persons with physical impairments;

(d) Eye clinics at the major hospitals and at certain health centres for persons with visual impairments;

(e) St. Ann's Hospital for persons with mental disabilities;

(f) St. James Medical Complex for persons with physical disabilities.

Persons with disabilities may also seek medical attention from private medical practitioners. In general, however, these practitioners lack the necessary knowledge and access to technology to adequately treat disabled persons. This may be linked to a lack of funding. Currently, there are no official initiatives being undertaken in this regard.

272. Rehabilitation services that encourage and sustain the independence and functioning of disabled persons are available at certain institutions. The Princess Elizabeth Home, in addition to other services, provides medical as well as psychological counselling to children with physical disabilities to help them to cope with their impairments. The supportive services offered by the Ministry of Social and Community Development, the Ministry of Education, the San Fernando Rehabilitation Centre, DRETCHI, the Trinidad and Tobago Association of the Deaf, the National Association for Down's Syndrome, the Trinidad and Tobago Independent Living Centre, and the Trinidad and Tobago Blind Welfare Association together provide disabled persons with assistance in achieving a greater degree of independence. The Ministry of Health provides free, or at minimal cost, prosthetics and other orthopaedic equipment to persons with physical impairment, in order to reduce the impact of disabling or handicapped conditions and to help them to achieve social integration. Further, the provision of eyeglasses to the visually impaired is free of charge to children (up to the age of 11 years), pensioners and social welfare recipients. The provision of physiotherapy facilities at major hospitals also allows for the rehabilitation of disabled persons.

273. There is no available information with respect to the cost of health care for the elderly. However, the national health policy preserves the health of the elderly through the rigid adherence to its guiding principles of universality/accessibility, equity, affordability/sustainability, quality, accountability, and solidarity. These principles serve to ensure that the elderly receive a high quality of health care, and that they are not placed at a disadvantage when accessing care.

Article 13

274. The education system in Trinidad and Tobago is modelled after the English system. The school system is organized into public and private schools. Public government schools and Government-assisted denominational schools provide free education at the primary and secondary school levels, up to form 5 or grade 12, and for some students, an additional two years to write the "Advanced Level" examinations set by the Universities of Cambridge and London, England. Primary schools are for children between the ages of 5 and 12, and secondary schools for students aged 12 to 20 years. There are also a number of private primary and secondary schools. At present, there are a total of 155 secondary schools and 477 primary schools in the country. Of the 155 secondary schools, 29 are Government assisted, 71 are Government funded, and 55 are private. In respect of primary schools, 136 schools are government funded, 341 are

government assisted, and 68 are private. In the 1998/1999 academic year, there were a total of 169,580 students enrolled in primary schools. Education at the University of the West Indies is available at heavily subsidized rates.

275. The right to education is not enshrined in the Constitution. It is however, recognized and protected through the Education Act, Chapter 39:01, which is an Act to make better provision for the promotion of education in Trinidad and Tobago. Section 6 (1) of this Act establishes the system of public education which includes primary education (full-time education suitable to the requirements of junior pupils), secondary education (full-time education suitable to the requirements of senior pupils who are under the age of 20 years), and further education (which consists of full-time education beyond or in addition to secondary education, part-time education, or leisure-time occupation in organized cultural training and recreational activities for pupils who have attained the age of 15 years). Furthermore, S.6 (2) provides the following:

> "In addition to the three stages of public education mentioned in subsection (1), there may be provided special schools suitable to the requirements of pupils who are deaf, mute, blind, retarded or otherwise handicapped."

276. The Education Act, Chapter 39:01 contains an anti-discrimination provision in S.7 which states:

> "No person shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent."

277. Part I of the Education Act, Chapter 39:01 provides for the establishment of schools. Under this part the school system is organized into two categories of schools known as public schools and private schools. Under S.11 (3), a public school is defined to be a school that is maintained at the expense of the public generally, and not at the expense of a particular section of the public. In other words, it is government funded. Under S.11 (6), a private school is a school provided and maintained by some person or authority other than the Government. Section 13 of this Act provides that the Minister of Education has a duty to provide such number of public schools as are necessary to secure a sufficient number of school places for children of compulsory school age. The compulsory school age is established under S.76 (1) of this Act, and is defined as being any age between 6 and 12 years.

278. One of the major difficulties encountered in the case of assisted and government-funded schools is the great demand for entrance to some schools, which are considered to be high standard and high performance schools. This problem is even more prevalent in urban areas where children are brought to attend schools close to their parents' place of work. The Government recognises this difficulty, although no initiatives are currently being taken.

279. Part II of the Education Act, Chapter 39:01 provides for the appointment and employment of teachers, as well as the establishment of the Teaching Service. Specifically, S.54 to S.61 provide for the remuneration, increments, tenure of office, term appointments and resignation of persons employed in the Teaching Service. The Teaching Service Commission, established under S.125 of the Constitution, is responsible for the appointment, promotion,

removes and exercises disciplinary control over persons holding or acting in such offices. The Teaching Service Regulations made under the authority of the Constitution makes provision, inter alia, for the appointment and transfer of teachers.

280. Compulsory Education is provided for in Part III of the Education Act, Chapter 39:01. According to S.77 of this Act:

> "it shall be the duty of the parent of every child of compulsory school age to cause him to receive efficient full-time education suitable to his age, ability, and aptitude, by regular attendance at school."

281. The Education (Teaching Service) Regulations is subsidiary legislation made under the authority of the Education Act, Chapter 39:01, S.85 (11). These regulations provide, inter alia, for the recruitment, payment of pensions and gratuities, remuneration, advances, increments, allowances, leave, and the resignation of persons employed in the Teaching Service. Regulation 6 (1) sets out the maximum age of recruitment for teachers as 45 years. However, under R.10, a pensioner may be re-employed in the Teaching Service if he or she is in possession of essential experience or technical qualifications which make him or her particularly useful to the Teaching Service, and if it is not possible to fill the particular post by the promotion of a suitable officer or by a new appointment. With respect to increments, R.25 provides as follows:

> "When a teacher holds an office carrying a pay scale, increments shall be paid to the teacher, subject to a report on the completion of each year of satisfactory service, until he has reached the maximum of the scale. A teacher shall be paid his increment whether he holds a permanent or temporary appointment or is on secondment, subject to the provisions of these Regulations. The increments paid shall be in the amounts prescribed for the particular office from time to time."

282. At present, teachers' salaries form part of a pattern of Classification and Compensation Plans, applicable throughout the public service. The levels of the salaries are differentiated by numbered salary ranges, which are common to all services into which the Public Service is divided.

283. A Job Evaluation Exercise is currently in progress. The objective of this exercise is to bring into being a more scientific method of classifying offices in the Public Service, than the one in use now. One of the outcomes of this new system of job evaluation will be to do away with the existing Classification Plans, so as to provide a separate Classification and Compensation Plan for each type of service (i.e. Teaching Service, Police Service, etc.). Further, arising out of the evaluation of offices in the Teaching Service, posts will be reclassified, resulting in enhanced opportunities for the promotion, career progression, and ultimately an improvement in the living conditions of members of the Teaching Service.

284. The Teachers' Pensions Act, Chapter 39:02 and the Assisted Secondary School Teachers' Pensions Act, Chapter 39:03 are Acts that provide for the payment of superannuation allowances to teachers, and to teachers employed in assisted secondary schools, respectively. An assisted secondary school is a public secondary school, the board of management of which has received

facilities provided for the school. Both Acts provide for payment of pension at the same rate (not higher than two thirds of the highest salary drawn by the teacher at any time in the course of his or her service), under the same conditions (i.e. conditions regarding gratuity, and suspension of pension upon re-employment), and with the same compulsory retirement age of 60 years.

285. There is a Students' Revolving Loan Fund Act, Chapter 39:05 which is an Act that provides for the establishment and administration of the Students' Revolving Loan Fund and matters incidental thereto. According to S.3 (2), the purpose of this Fund is to enable loans to be made to students desirous of pursuing studies at educational institutes. Section 6 (1), establishes the Students' Revolving Loan Board of Management which is responsible for determining the courses of study for which the loan may be granted; for processing applications for loans; for receiving, administering and investing the resources of the Fund; and for negotiating and entering into loan agreements with students through the Central Bank of Trinidad and Tobago. Section 18 provides that the Government of Trinidad and Tobago may guarantee the loans made under this Act. Section 19 provides that in the event that a student refuses or fails to repay his or her loan, the Government of Trinidad and Tobago will be liable to repay any loan guaranteed.

286. While secondary education is free of charge, it is not accessible to all. There is a qualifying Common Entrance Examination, whereby 70-75 per cent of students who take the exam pass and are placed in schools. It is the intention of Government to make secondary school accessible to all students by the year 2001. The current problem is that there is no space. This is why the Government has undertaken to build more schools. Currently, 21 schools are under construction.

287. Everyone has access to higher education provided that they fulfil the required academic criteria. In respect of the cost, all programmes incur some level of cost to the student with the exception of a Diploma in Education and a Bachelor's Degree in Education. The student cost of an undergraduate degree that is taken on a full-time basis, ranges from TT$ 10,400 to TT$ 74,115 per annum, depending on the programme. The cost for a medical programme is TT$ 74,115 per annum, of which the Government usually pays half. With respect to the completion of an undergraduate degree on a part-time basis, the cost is half of that charged for programmes undertaken on a full-time basis.

288. There is an Adult Education Unit within the Ministry of Education. This unit has 45 Lifelong Learning Centres throughout the country, which provide educational opportunities for persons who are 15 years of age and older and who did not attend or complete primary and/or secondary education. Currently, there is an enrolment of 9,754 participants, and a staff of 45 supervisors and 370 tutors. Supervisors and tutors are usually selected from retired principals, supervisors and teachers of the Ministry of Education. Their "know-how" and experience are utilised to the fullest. This programme offers instruction in literacy and remedial education, which is geared to meet special needs related to "second chance" education. Introductory occupational courses include garment-making, plumbing, typewriting, home care for the elderly, computer literacy, book-binding, ceramics, repairs to small appliances, etc. Classes are also held in family life education, and post-primary education.

289. Literacy rate in Trinidad and Tobago (1994):

Literacy status	Age group (years)					
	15-24 %	25-34 %	35-44 %	45-60 %	61+ %	Total %
Functionally literate	88.5	80.8	83.0	67.8	56.3	77.4
Functionally illiterate	9.0	14.2	13.6	20.3	20.0	14.6
Illiterate	2.8	4.9	3.4	11.9	23.7	8.0
Total	100	100	100	100	100	100

Literacy status	Male %	Female %	Total %
Functionally literate	76.9	77.8	77.4
Functionally illiterate	15.6	13.8	14.6
Illiterate	7.5	8.4	8.0
Total	100	100	100

Literacy status	African %	East Indian %	Other %	Total %
Functionally literate	78.3	73.7	86.0	77.4
Functionally illiterate	16.5	14.5	8.7	14.6
Illiterate	5.2	11.8	5.3	8.0
Total	100	100	100	100

Religion	Functionally literate %	Functionally illiterate %	Illiterate %	Total %
Anglican	7.6	1.6	0.0	9.4
Baptist	4.5	1.1	0.4	6.0
Hindu	18.5	4.5	3.9	26.9
Muslim	3.0	0.4	0.3	3.8
Pentecostal	6.7	0.5	0.4	7.7
Presbyterian	3.1	0.6	0.4	4.2
Roman Catholic	22.3	3.6	1.5	27.4
None	1.1	0.2	0.0	1.5
Other	10.6	1.8	0.6	13.1
Total	77.4	14.6	8.0	100

Literacy status	Manual/ trades %	Service workers %	Self-emp. %	Protective services %	Clerical/ sales %	Prof./ Admin. %
Functionally literate	77.6	79.9	80.0	86.8	87.8	90.0
Functionally illiterate	14.2	13.6	14.3	7.9	10.2	8.2
Illiterate	8.2	6.5	5.7	5.3	2.0	1.8
Total	100	100	100	100	100	100

290. According to the 1990 census statistics, 203,479 persons who were 15 years of age and older had completed special training. Of this total, 60,518 (29.7 per cent) persons were trained in the trade, craft and industrial programmes, followed by 34,670 (17.0 per cent) in the commercial business programmes, and 27,128 (13.3 per cent) in the service trade programmes. Further, in regard to the highest level of non-vocational educational attainment, the data revealed that of 4,486 persons surveyed, four persons had nursery or kindergarten as their highest academic attainment, 130 persons had primary education, 2,050 had secondary education, and 2,064 had university education. In 1990, the total number of persons attending school full time numbered 322,751, of which 317,840 persons were under the age of 20 years, while 4,486 persons were 20 years of age and older (425 persons did not state their age). There were more female students (161,616) than male students (161,135).

291. The following indicates the actual recurrent and capital expenditures with respect to education, and as a percentage of the gross national product (GNP):

Year	Expenditure TTS million	GNP TTS million	% of GNP
1990	809.4	19 830	4.1
1995	1 157.9	28 774	4.0
1999	1 445.1	38 619	3.7

292. In the 1998/1999 fiscal year, TTS 134.8 million were allocated to further the goals and objectives of education and training in Trinidad and Tobago. This total funded, inter alia, the construction and outfitting of over 45 schools, the training of 65 pre-service and in-service teachers, the funding of textbooks which were valued at TTS 9 million for use by 35 per cent of the primary school-aged population which were defined as needy, the training of principals in 150 schools, the improvement of security measures at high-risk schools throughout the country, and the funding of 121 scholars to undergo overseas and local training.

293. For the 1999/2000 fiscal year, the Government has allocated TTS 255 million to further the goals of education and training. This money is intended for various measures and initiatives being undertaken, including:

(a) The construction of 60 primary schools, and 12 secondary schools;

(b) The implementation of school improvement plans in 150 schools;

(c) The completion of training of approximately 100 principals;

(d) The provision of library books and instructional materials;

(e) The increase of security measures at 45 high-risk primary schools;

(f) Curriculum development, teaching and learning strategies, professional development, testing and assessment and institutional strengthening to be developed through the procurement of relevant international consultancies;

(g) The acquisition of seven parcels of land for school construction and for managing the construction component of the overall programme;

(h) The establishment and upgrading of library facilities at 40 secondary schools;

(i) The refurbishment of teachers' colleges;

(j) The further development of special education;

(k) The development and expansion of an Information Technology Unit at the Ministry of Education;

(l) The construction of skills development facilities;

(m) The delivery of training at the pre-craft level to approximately 6,000 trainees through the YTEPP.

294. In respect of other measures being taken to introduce or guarantee equal access to various levels of education, the Ministry of Education in 1998, implemented the pilot phase of the Continuous Assessment Programme in 53 primary schools throughout Trinidad and Tobago. Full implementation of the project is scheduled to take place in September 2000. This is a programme to continuously assess children's strengths and weaknesses as they progress through the education system to ensure that they have reached the level of attainment necessary to progress to a higher level or grade. The programme aims to improve levels of learning and teaching at the primary school level. This programme is part of a reform process which is under way in the Ministry of Education as identified in the White Paper on Education. The issue of equal access is also being addressed through the provision of school places for males and females by means of the primary and secondary school building programmes, as well as the system of purchasing secondary school places.

295. In 1998, in respect of primary education, the gross enrolment ratio was 79.6 per cent, while the net enrolment ratio was 73.1 per cent. In the 1998/1999 academic year, of the 105,790 students who had enrolled in secondary level education, 743 (0.7 per cent) students had dropped out of school.

296. The following shows the number of graduates of the University of the West Indies in Trinidad from the 1988/1989 academic year to the 1996/1997 academic year:

Year	Number of graduates
1988/1989	631
1989/1990	620
1990/1991	628
1991/1992	663
1992/1993	715
1993/1994	629
1994/1995	837
1995/1996	839
1996/1997	841

297. Teachers are trained to educate children with disabilities, but the chance of teachers having such specialized training is unlikely in schools that cater for the general public. In Trinidad and Tobago there are 13 recognized public special schools. However, there are not enough public special schools, and those that do exist are not accessible to the entire population. Most of these institutions are located in south Trinidad. This makes accessibility for children in Tobago and other areas in Trinidad difficult.

Type of school	No. of schools
Hearing-impaired	3
Visually-impaired	1
Emotionally/behaviourally challenged	1
Physically challenged	1
Mentally challenged	4
Cross-categorical	2
Early childhood care	1

298. Teachers are assigned to special schools on the successful completion of the teacher-training programme at Teachers' College. At Teachers' College, special education is offered as an elective subject. It is recommended that all students undertake this area of study. In-service teacher training is practised in schools so that new additions to staff are given the opportunity to work with a "mentor" teacher. Teachers who will teach hearing-impaired students must undertake an 18-month course, which is offered through the Distance Teaching Experiment at the University of the West Indies in Trinidad. Upon successful completion, the teacher obtains a certificate in the teaching of the hearing impaired. Early childhood care educators must also undergo special training through the University of the West Indies. Teachers who will be working with children who fall into other categories of impairment and disability receive special training through the Mico Teachers' College in Jamaica. Further, courses which lead towards a certificate, diploma or Master's degree in special education are offered via distance teaching through the Trinidad and Tobago Unified Teachers' Association/University of Sheffield. Teachers that are desirous of further training such as speech therapy, mobility training, audiology and behaviour management may opt for admission to universities.

299. Most equipment that exists in special schools is outdated and non-functioning as a result of a lack of proper maintenance. From time to time, private citizens and corporations make donations of equipment and/or funds to the schools. Personal hearing aids and spectacles for children are delicate and costly. Initiatives have, however, been taken for tax exemption on these items.

300. There is in Trinidad and Tobago a National Association for Down's syndrome, which was incorporated through Act No.3 of 1989. Under this Act, the Association's aims and objectives are:

"(a) To render assistance to persons with Down's syndrome;

(b) To provide facilities for the education, training, recreation and accommodation of persons with Down's syndrome;

(c) To organize programmes to encourage public awareness of Down's syndrome so that persons with Down's syndrome are accepted and absorbed into the wider community;

(d) To promote and encourage research into Down's syndrome;

(e) To aid persons with Down's syndrome to obtain specialist medical or surgical treatment;

(f) To do all such things to ensure that persons with Down's syndrome are trained and encouraged to obtain and retain employment and otherwise participate to the full extent of their capabilities in normal life;

(g) To do all such things as are incidental or conducive to the attainment of the above objects."

301. There is also a Council for Handicapped Children in Tobago. This organization was incorporated by Act No. 28 of 1975. The aims and objectives of this Council were outlined in S.3 of this Act:

"(a) To investigate the problem of handicapped children in Tobago;

(b) To establish a Centre or Centres for the care, maintenance and welfare of handicapped children in Tobago;

(c) To assist in providing education, treatment, training and rehabilitation for handicapped children in Tobago;

(d) To cooperate with any institutions or associations or Government having objects similar in whole or in part to those of the Council;

(e) To do all such other acts and things as are incidental to the attainments of the objects of the Council and as may conduce to the promotion of the welfare of handicapped children in Tobago."

302. There is no provision in the Education Act, Chapter 39:01 that prohibits access to education by elderly persons.

Article 14

303. The difficulties currently faced by those wishing to access not only public, but also private schools is the expense of textbooks and uniforms, which are mandatory to attend classes and which must be provided by parents, who are not always in a financial position to do so. Some parents have withheld their children from attending classes because they could not afford to buy the required textbooks or to purchase the proper uniform. Recent government measures in this regard include the allocation of TTS 9 million for textbooks for the use of needy children.

Article 15

304. While there is no express provision in the Constitution that entrenches the right to take part in cultural life, the Constitution does through other, less explicit provisions recognize this right. These include provisions contained in S.4:

"(h) Freedom of conscience and religious belief and observance;

(i) Freedom of thought and expression;

(j) Freedom of association and assembly."

305. In respect of information regarding how these constitutional provisions have been implemented in existing legislation, please make reference to paragraphs 234 to 238, under article 18 of the third report, ICCPR.

306. The Government through the Ministry of Culture and Gender Affairs provides financial and technical assistance for most cultural groups in the jurisdiction. For national holidays such as Eid, Divali, Emancipation Day and Baptist Liberation Day, large sums of money are donated to assist in celebrations. The Ministry is involved in the preservation of the heritage of Trinidad and Tobago and the perpetuation of cultural traditions.

307. Amerindians were the original inhabitants of Trinidad and Tobago. There were two Amerindian tribes inhabiting this territory, the Caribs and the Arawak Indians. The Caribs and the Arawaks were traditional enemies who became united in the face of European colonization. The Amerindian tribes eventually died out and although there are no Caribs of pure descent alive in the jurisdiction, the descendants of the Amerindians promote the preservation of the cultural traditions of their ancestors. The community comprises approximately 300 persons whose ancestors were Amerindians. The Santa Rosa Carib community is registered as a limited liability company whose main purpose is to preserve and maintain their traditions and to redevelop and recover their old Amerindian traditions. The Santa Rosa festival represents the zenith of such efforts. This is a month-long series of events organized by the Carib community for both the parish and the wider community. This period begins with a key event held on 15 August every year: the blasting of the ceremonial cannon on Calvary Hill at 6 a.m. After the blasting of the cannon, the Carib community engages in a "smoke ceremony". This is an indigenous ritual designed to praise the earth, ancestors and family and friends of the Caribs. This event is followed by a lunch consisting of Amerindian delicacies prepared for sale. Amerindian handicraft items are also put on sale.

308. In May 1990, under the then Government, Cabinet formally recognized the Santa Rosa Carib Community as the sole legitimate representative of the only retained community of indigenous people in Trinidad and Tobago, and awarded an annual subvention of TT$ 30,000 for the upkeep of the Santa Rosa Festival. The present Government continues this annual subvention. In 1992 and 1993, the then Government provided in excess of TT$ 250,000 for the two CARIFESTAs held in Trinidad in support of Arima's Carib community which acted as host to visiting Amerindian delegations from across the Caribbean. In 1993, the then President awarded the Carib community the National Award of the Chaconia Medal (Silver) for its efforts

in culture and community service. The Arima Borough Council increased its annual subvention to the Carib community for the upkeep of the Santa Rosa Festival from TTS 500 to TTS 5,000 annually.

309. There is in Trinidad and Tobago an annual Carnival, which lasts for a period of approximately 19 days preceding Ash Wednesday. Carnival is one of the biggest festivals held in the Caribbean and its purpose is to celebrate the history and culture of Trinidad and Tobago. A parade of bands takes place on the Monday and Tuesday immediately preceding Ash Wednesday. These are unofficial public holidays. There are many events preceding the parade of bands including a steel band competition, a junior parade of bands for children, a calypso monarch competition, an extemporaneous calypso competition, a soca monarch competition, a King and Queen of Carnival competition and a "j'ouvert" parade. For this purpose a National Carnival Commission was established by Act No. 9 of 1991. The functions of this Commission are set out in S.9, subsections (a) through (d) of this Act as follows:

"(a) The regulation, coordination, or conduct of all carnival activities throughout the country held under the aegis of the Government;

(b) The development, maintenance and review of rules, regulations and procedures for the conduct of carnival festivities throughout the country;

(c) The identification, evaluation, and promotion of all Carnival related industries with a view to the enhancing and marketing of their cultural products and services;

(d) The development and implementation of a marketing strategy for Carnival with a view to optimizing the revenue earning potential of the festival and its contribution to the national economy, considering:

(i) The unexplored potential of Carnival;

(ii) The possibility of marketing of Carnival products and activities in domestic and export markets;

(iii) The contribution by the private sector to the funding of specific aspects of Carnival; and

(iv) The establishment of closer promotional links between the tourist industry and the Carnival industry."

310. The objects of the Commission are contained in S.4 of the National Carnival Commission Act as follows:

"(a) To make Carnival a viable national, cultural and commercial enterprise;

(b) To provide the necessary managerial and organizational infrastructure for the efficient and effective presentation and marketing of the cultural products of Carnival;

(c) To establish arrangements for ongoing research, the preservation, and permanent display of the annual accumulation of Carnival products created each year by the craftsmen, musicians, composers, and designers of Carnival."

311. Between 6 and 24 February 1998, it is estimated that some 32,071 visitors to Trinidad and Tobago spent a total of TT$ 88.7 million on this event.

312. The protection of intellectual property rights is provided through the Copyright Act, Chapter 82:80. This Act protects written work, engravings (defined as etchings, lithographs, woodcuts, prints, and other similar works), photographs (which include any work produced by any process analogous to photography), and plates (which include any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls, or other contrivances for the acoustic representation of the work are or are intended to be made) from being reproduced in whole or in part without obtaining the right to do so through the purchase of a right to the intellectual property.

313. The culture of Trinidad and Tobago is multifaceted, and the various ways of living and relating are honoured within the educational system. Some are specifically taught as part of the curriculum. At the primary level of education, pupils are exposed to folk literature through the "Broadcast to the Schools" programme. There is instruction on the theme of national festivals in the social studies syllabus, and there is student participation in national cultural events and school competitions (i.e. folk dance, music). At the secondary level of education there is instruction on the theme of Cultural Forms in the social studies syllabus, instruction on art forms of the Caribbean in the Caribbean history syllabus, and there is student participation in national cultural events and school competitions (i.e. steel pan competitions). Although Standard English is the language of education, the vernacular is honoured as the first language of the child, and the one in which he or she is expert. Subjects in which culture is given focus include literature, drama, and creative arts. One measure undertaken to develop and diffuse culture is in the language arts curriculum which includes stories, speeches, rap, calypso, songs, and rapso. Pupils are encouraged to use their creativity and illustrate their work with such things as line drawings, and other modes of art. Teachers and pupils are expected to present their cultural work before their peers. Exemplars of the culture of Trinidad and Tobago are also invited to conduct workshops to demonstrate the culture and to encourage students to appreciate and use cultural ways.

314. There is a National Institute of Higher Education (Research, Science and Technology) Act, Chapter 39:58, which establishes the National Institute of Higher Education (Research, Science and Technology). The functions of the Institute are outlined in S.12 of this Act as follows:

"(a) To provide and promote scientific and technological services in the country;

(b) To promote and develop an indigenous capability in science and technology relevant to the developmental needs of the country;

(c) To assist national bodies and/or organizations in securing technology appropriate to their needs;

(d) To monitor and develop the curricula of the Scheduled Institutions;

(e) To promote and operate facilities for higher and continuing education and in particular to:

(i) Undertake, promote and facilitate scientific and technological research and development and the provision of scientific and technological services;

(ii) Provide, promote and facilitate the provision of continuing education and specialized training at the post-secondary level;

(iii) Develop and collect information on scientific and technological development, to evaluate technologies used in or to be imported into the country and to facilitate the dissemination and application of new technologies;

(iv) Assist persons and organizations in securing access to technology appropriate to their needs;

(v) Designate where it considers it appropriate certain training institutions as approved bodies for the purpose of providing specialized and continuing education;

(f) To discharge any such other related functions as the Minister may assign to it from time to time;

(g) To do all things necessary, incidental or ancillary to the efficient discharge of its functions."

315. The Information Division of the Office of the Prime Minister is mandated to manage the Government's communications policy, which sets out the direction for:

(a) Communicating with the public, and providing access to government information;

(b) Providing an imaging, positioning and analytic capacity;

(c) Providing an enhanced public education facility; and

(d) Standardized government communications.

This is realized through a process of gathering, interpreting and disseminating information. It is also responsible for implementing two-way channels of communication between the Government and the people of Trinidad and Tobago. Through its Photographic Section (Unit), the Division handles photographic coverage for the President, Prime Minister and ministers of

Government. The Unit provides photographs of government officials and events for government offices, schools, non-governmental organizations, overseas missions, and the public. It also provides coverage of government activities. The Television Unit's primary function is the production of television programmes and documentaries on national, social and cultural issues, and provides coverage of government activities. The Unit promotes understanding of national days and festivals. Archival video footage related to Trinidad and Tobago's historical events can also be accessed through this Unit. Further, the Unit provides and arranges for satellite links for the production of live video of the Prime Minister's activities on international trips, which entail the promotion of Trinidad and Tobago. The Division's Radio Unit informs the population about government activities, projects and policies by means of radio programming through the production of radio documentaries and features on national and international events and issues. The research arm of the Research/Library Unit is responsible for the production of leaflets, brochures, booklets, posters, etc. of national interest to the public. Further, it collects and disseminates information on the Government and on international events, especially those which have an influence on the country. It also monitors the public's response to and provides feedback to the Division through surveys and public opinion polls.

316. With regard to culture, the Information Division of the Office of the Prime Minister collaborates with the National Broadcasting Network in the production of local television and radio programmes, and provides support to other related agencies involved in the reduction of cultural penetration in the local media by foreign broadcasters by increasing the quality and quantity of indigenous programming. To meet the challenges of the new information age, the Government has decided to implement a National Broadcast Policy, which includes:

(a) The institution of regulations that govern new technologies which would facilitate easy access and provision of radio and television broadcasting services;

(b) Fostering the integration of broadcasting with the telephone and computer to allow for the opening up of new markets such as distance learning, the Internet and Video on Demand; and

(c) Ensuring the new regulatory framework is compatible with the multi-media environment.

317. The development of state of the art telecommunications and information technology services, coupled with the establishment of a transparent and non-discriminatory telecommunications regulatory environment continue to be the focus of the Government's information/communications policy.

318. The Information Division supports the Government's goals for national development by engendering national pride through access to archival material pertaining to the country's heritage. As a result, the Division is in the process of establishing an information and retrieval system. It will allow public access to government information and will ensure the conservation and preservation of archival material currently stored at the Information Division. The recent expansion of the media and the proliferation of foreign programmes generated through cable companies makes the threat of cultural penetration an active reality for Trinidad and Tobago. This increases the responsibility of the Division to focus its programmes on educating the

country on its rich and diverse cultural heritage. It is therefore imperative that the historical material belonging to the Division be stored in such a manner so as to be easily accessible and available to everyone upon request. In order for information to be more accessible to the people of Trinidad and Tobago in regard to accuracy, efficiency, and in the quantities required, the Division has recognized the need to undertake a comprehensive review and upgrading of information resources, and of the collection, storage and retrieval capacity of its units. This is currently being undertaken through the establishment of an Information and Retrieval System Project, which is scheduled to be implemented over a two-year period.

319. Over the next few years, the Government of Trinidad and Tobago intends to actively continue the process of telecommunications sector reform. This is not only to promote the development of a vibrant telecommunication and information services sector, but also to ensure the provision of cost effective and modern telecommunication services to the population. The role and functions of the Telecommunications Division include the formulation and implementation of a policy of universal service; the establishment of a telecommunications and management information system; and the facilitation of an upgrading of existing telecommunications infrastructure through the issuing of licenses to new forms of communications technology.

320. In the 1998/1999 fiscal year, the Ministry of Culture and Gender Affairs was allocated TT$ 6.2 million to carry out their activities. These included improvement works on the National Museum and at Fort San Andres, a five-month design consultancy for the enclosure of Queen's Hall; the refurbishment of the National Archives headquarters; and the launching of the Carnival Institute at the Queen's Park Savannah.

318. For the 1999/2000 fiscal year, the Ministry of Culture and Gender Affairs has been allocated TT$ 9.3 million to undertake the following activities:

(a) The continuation of the refurbishment of the National Archives headquarters;

(b) The establishment of a Carnival Institute;

(c) The establishment of a Performing Arts Centre;

(d) The commencement of training activities for museum workers and archivists in computer technology;

(e) The establishment of a Domestic Violence Unit; and

(f) The completion of designs for the enclosure of Queen's Hall.

321. The Government of Trinidad and Tobago is aware of its responsibility to provide adequately for, and to promote the fullest development of the disadvantaged and vulnerable members of our society. As such, it recognizes its critical role in awakening the consciousness of the society regarding the benefits to be derived from the inclusion of persons with disabilities in every aspect of life. In this light, the Government is working to establish policy measures that will facilitate the integration of persons with disabilities into the mainstream of community life.

Cognizant of the needs of persons with disabilities, the Government will make every effort to address these needs in the shortest possible time-frame. Information is essential to the growth and development of an individual, and efforts are being made to ensure that information is accessible to persons with disabilities to ensure their opportunity for personal growth and fulfilment. The Information Division of the Office of the Prime Minister has begun to integrate persons with disabilities into the mainstream of society by presenting information in a manner accessible to persons with disabilities, for example, through the dissemination of public service announcements in sign language. In the reading of the 1999 budget by the Finance Minister, sign language was used as the medium in which to target those persons who are hearing impaired. The Division introduced this policy in 1998 and will continue to use this medium in future addresses to the nation. Through its radio and television programmes, the Division presents information in a manner which is accessible to persons with auditory impairments or with comprehension difficulties, respectively. Further, members of the public, including those with disabilities, can acquire a taped version of the Division's radio and television programmes. The Information Division also produces programmes that depict persons with disabilities in situations that highlight their potential and achievements, as a further effort aimed at the promotion of their full integration and acceptance into the community.